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## A Brief Outline of the Legal History of Harbour Pilotage in Malta

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When a vessel calls at a port infrequently or perhaps even for the first time, it is virtually impossible for her master to have a good knowledge of the winds, seas, currents, tides, traffic separation schemes, geology, infrastructure and traffic of that port and its approaches. Whether a port is a compulsory pilotage area or not depends primarily on the decision of the port authorities of that country. However, the traffic systems of that port have a heavy influence on such decision. In fact, most of the world's ports are compulsory pilotage areas.

The Grand Harbour has been described as 'the finest in the world', but as a port, pilotage was very necessary due to the, 'narrowness of the entrance and the usual variableness of the wind'.<sup>1</sup> Malta's main harbours are compulsory pilotage areas.<sup>2</sup> Therefore, every vessel entering and exiting the Ports of Valletta and Marsaxlokk requires a pilot. The law lays down a number of exceptions to this rule.<sup>3</sup> The Malta Maritime Authority Act also reserves the right of the Director of Ports to exempt any vessel from the compulsory requirement of pilotage services at will.<sup>4</sup>

The institution of pilotage is a very old one. The concept of having a person with knowledge of the local area (coastline, seabed, wind, currents, tidal streams and traffic movements) aiding masters of foreign vessels calling at local ports has been a vital element of seafaring since ancient times.

The procedure is simple to understand. When a vessel calls at a port, a pilot from an organization within that same port is required by the visiting ship to embark on such principal vessel from a fixed boarding point,<sup>5</sup> and to ensure that

she is steered safely to her anchorage, moorings or berth, as applicable.

The pilot is transported to the vessel aboard the pilot launch. This craft is a small vessel, which is constructed to specifications suitable for the task. She must be extremely durable and must have a fixed boarding point from where the pilot can transfer safely from the launch to the pilot ladder of the vessel requiring the services of such pilot. Thick rubber fenders, like that of a tug vessel, must surround her hull since she navigates very close to and comes into contact with the principal vessel.

On departing the pilot launch, the pilot must climb a ladder made from rope with wooden rungs. Here, he will either reach a hatch in the ship's freeboard, or a fixed gangway that will lead to a hatch in the ship's side or her main deck, depending on the character and size of the individual vessel or on whether she is travelling loaded or in ballast. At this point, one can already begin to appreciate the amount of effort and concentration required on the part of the pilot. His task is a strenuous and perilous one and such elements of stress, fatigue and peril must be taken into account and catered for appropriately by the legislator and the administrator of the pilotage service alike.

The relationship between the master and the pilot must be a very special one. The trust must be implicit and immediate. Without ever having met the master before, the pilot will depend upon the master to be honest in describing to him the condition of the ship and in disclosing to him any problems or procedures that might exist in connection with the

<sup>1</sup> McCulloch's *Dictionary of Commerce*, 1867.

<sup>2</sup> Malta Maritime Authority Act, (Cap. 352) Part VII, Section 54 (1).

<sup>3</sup> Malta Maritime Authority Act, (Cap. 352) Part VII, Section 54 (2) includes:

Ships owned or operated by the Government of Malta

Men-of-War belonging to foreign powers.

Yachts and fishing vessels.

Ships with a gross tonnage of less than 500grt.

Ships plying and trading exclusively between Maltese Ports.

Tugs, dredgers, barges or similar vessels whose ordinary course of navigation does not proceed beyond Maltese Territorial Waters.

Ships unable to take aboard a pilot due to perilous weather conditions.

<sup>4</sup> Malta Maritime Authority Act, (Cap. 352) Part VII, Section 54 (3).

<sup>5</sup> All vessels approaching Valletta harbour are asked to proceed to the Fairway Buoy. This is a safe-water marker situated precisely one mile off the breakwater. This is invariably used as the pilot's embarkation and disembarkation station.

safe navigation of the concerned vessel. The pilot must then describe the route in detail to the master. This should include any problems or obstacles that might be expected en route, the situation with the tugs, line handlers and shore facilities. He must also make the master aware of the relevant local rules and regulations; such as any relevant provisions under the Port Regulations 1962, which must be adhered to during the operation. These actions which must be done in the presence of, not just the master, but also the duty deck officers, who will assure the crew that the pilot is competent, diligent and capable of being entrusted with the handling of their ship.

The pilots should also seek the master's advice on any special concern with manoeuvres and special characteristics of the ship. Questions such as whether the vessel is constructed with bow thrusters or whether the propeller or propellers have fixed or variable pitch are extremely relevant and must be put forward by the pilot to the ship's officers without hesitation as part of the pilotage plan being discussed. Often, the master will prefer one pilotage manoeuvre to another, for reasons, which are properly justified. The pilot should make every attempt to satisfy the master's valid preferences and modify the pilotage plan accordingly. If the pilot cannot, for various reasons, accommodate the master's request, he is duty bound to give such reasons to the master.<sup>6</sup>

Once he has reached the bridge, the pilot's task is not to take over full command of the vessel. Command and responsibility for the vessel and crew's safety remain fully with the master. The pilot's job is solely to advise the master and his bridge team on how his vessel can be navigated most safely through these waters taking into consideration all the different circumstances and characteristics of such port. The pilot is an addition to the bridge team, but simply as an advising officer and not as a commanding officer.

The Pilotage Corps in Malta is regulated by two main government bodies, these being the Malta Maritime Authority Ports Directorate and the Ministry of Transport and Communications, which in turn regulates the Malta Maritime Authority. These two establishments are constantly referred to in all Maltese law related to pilotage. The importance of the inclusion of these two other bodies in the laws of pilotage emanates simply from the fact that if the pilot service does

not run smoothly, both the Ministry of Transport and Communications and the Port Authority will have a serious problem on their hands. This is due to the fact that if there are no pilots available round the clock, then the harbours will be virtually closed for the relevant period of time. This, in the long run, will drive away maritime trade from Malta. Consequently, a harmonious working relationship must be established between all parties concerned since ultimately, the continuous operation of the ports depends on the efficiency and order with which the pilot service is run.

The recent grounding of a reefer<sup>7</sup> during pilotage in the Magellan Strait illustrates many of the strong criticisms levelled at pilots.<sup>8</sup> The Magellan Strait, like Valletta and Marsaxlokk, is a compulsory pilotage area. Ship owners prefer to use the passage rather than the open sea to avoid exposing their vessels to the violent seas and heavy swells brought about by the harsh South Pacific winters. To navigate the passage usually takes a duration of about three days. Two pilots usually board each passing vessel at the beginning of the transit. They bring with them their own charts and navigate with reference to these charts as well as with reference to particular known landmarks. Standard procedure allows that the master of the ship and his officer of the watch are authorized to use the charts belonging to the pilots but may not draw up a passage navigation plan on them or in any way mark them.<sup>9</sup> The pilots worked on a watch-on watch-off system, with a change of watch taking place at 0300 hours. One of the pilots was newly qualified and on his first appointment as a pilot of such grade since attaining his licence and papers. This pilot took the watch at 0300 hours. The weather was of an inclement nature with very poor visibility and intermittent rain. When the pilot came onto the bridge and reported for duty, the ship was abeam of Punta Naus, approaching a starboard course change to enter the East Channel between Isla Bedwell and Punta Dashwood. The pilot initiated the course change after checking the ship's position on the GPS.<sup>10</sup> Unfortunately, through lack of foresight and proper training and experience he misjudged the required turning speed, and the reefer grounded hard at a speed of 18 knots at 0312 hours.

This is a typical example of how insufficient training and expertise coupled with poor bridge management and faulty

<sup>6</sup> This is not law but emerges from standard pilot practice throughout the world.

<sup>7</sup> A reefer is a refrigerated vessel and is constructed with compartments and holds which are insulated with wool, glass, cork, or other materials. The temperature of such compartments and holds is regulated at a level of between 30 degrees Celsius and 12 degrees Celsius.

<sup>8</sup> This case has no direct reference but was taken from an article written in *Standard and Safety Magazine*, Issue no. 9, September 2000 published by the Standard Ship Owners' P & I Association.

<sup>9</sup> It must be noted that ships' navigational charts are legal documents which will be used as evidence in any Maritime Tribunal, Inquiry or Court. It is therefore understandable that the pilots' charts be marked only by the pilots themselves since they are a true and original reflection of what the pilots' thoughts and plan of passage were at the time of the voyage concerned.

<sup>10</sup> Global Positioning System (Satellite). This is a navigational system which is able to plot a vessel's course as she is under way as well as in advance. It may give a vessel's bearings at all times via satellite.

teamwork on behalf of both the pilots and the bridge team can lead to catastrophic events and financial disaster at the very least.<sup>11</sup> One should also point out that it is significant that so many collisions occur close to a changing of watch and especially when such change takes place during the night hours. During the inquiry into this incident, a number of very serious questions which criticize the very professionalism and actual viability of the pilotage service were asked, such as; why did the senior pilot not undertake the turn himself seeing that it was such a difficult and tricky manoeuvre and why he did not remain on the bridge until the ship was safely secured on her new course? In addition, questions arose as to whether it was a correct and safe practice to permit a newly qualified pilot to have sole charge during such a critical manoeuvre.

It must be emphasized that the pilot is part of the bridge team and that his presence on the bridge is not a signal for the bridge team to relax. The bridge team must make an effort to include the pilot in its proceedings and to take heed of what he is saying. The pilot is an advisor and not a commander. To avoid accidents such as the above mentioned case and to carry out the operation of securing the vessel within the concerned port safely and professionally, it is essential for the pilot's intentions to be fully comprehended by the bridge team, which should then monitor the ship's progress, feeding to the pilot any information relevant to such ship's safety. The bridge team should work closely with the pilot and be ready to rectify immediately any errors, which may be made on his part. Pilots, on the other hand, should make every effort to inform the whole of the bridge team of the nature of the planned passage and of any dangers or obstacles that may be encountered during such passage.

It is important that pilots recognize their obligation to the bridge team and that they render assistance whenever the situation calls for it. Pilots have been known to pass certain hostile remarks such as 'If you want to discuss the passage, Captain, we will anchor and wait for the next tide'.<sup>12</sup> Such an attitude is unacceptable and will only serve to waste valuable time and money and to jeopardize the relationship of the ship's crew with the pilot concerned. This, in turn, may lead to hasty, illogical, anger-based decision taking which may put into peril

the very safety of the vessel and third parties.

One should note that certain vessels of unconventional character or proportions require more than one pilot. Examples of such are ULCCs<sup>13</sup> and VLCCs<sup>14</sup> such as the *Shell Lampas*, the *Shell Lepita*, the *Atlantic Prosperity*, and the *Atlantic Liberty*, all of which have called at Valletta, as well as US Navy super-sized aircraft carriers such as the *USS John F. Kennedy* and the *USS America*, both visitors to Grand Harbour too. These vessels, restricted in their manoeuvrability due to size, all require a minimum of two pilots since vessels over 800 feet in length require such for safety reasons. Passenger liners are exempted from this rule, even though the reasoning behind this exception is unclear. One would tend to think that port authorities would be more cautious where such a volume of human life is concerned. On the other hand, passenger liners are generally very sophisticated, highly manoeuvrable vessels, which call at the same ports frequently so it could be accepted that they require only one pilot on this basis. It is recommended that prospective legislation should include a clear and concise list of those ships that require more than one pilot and the reasons for such categorization of vessels under this requirement.

At this point, the pilot may encounter a substantial amount of problems. Ships' masters do not always speak the language or for that matter any other language knowledgeable to the pilot in spite of the fact that the STCW Convention<sup>15</sup> states that a person holding the rank of coxswain and above must have an acceptable command of nautical English. Moreover, ships vary in character and condition and although methods of navigation and steerage have become more advanced through technology, some characteristics may prove to be somewhat cumbersome for a pilot who is perhaps more acquainted with one type of vessel than with another. This is the reason for which thorough training and upgrading of training is vital. A pilot's task is a very delicate one that requires maximum concentration and preparedness. A pilot cannot afford to waste time getting acquainted with a new type of ship during an actual operation. This would be an inefficient and possibly a very unsafe exercise. He must be fully trained to cope with any situation. He must be versatile and must adapt easily to

<sup>11</sup> The description of this case was taken from an article on Collisions and Grounding During Pilotage from the *Standard and Safety Magazine*, Issue no. 9, September 2000 published by the Standard Steamship Owners' P & I Association. There is no specific reference to the case or the name of the vessel involved.

<sup>12</sup> This quotation was taken from an article on Collisions and Grounding During Pilotage from the *Standard and Safety Magazine*, Issue no. 9, September 2000, published by the Standard Steamship Owners' P & I Association. There is no specific reference to the source of the quotation.

<sup>13</sup> Ultra Large Crude Carriers. This is a tanker of the same characteristics as the VLCC (vide footnote 14), but of much larger proportions. (Dodman).

<sup>14</sup> Very Large Crude Carriers. This is a tanker of immense size with a single bridge structure close to the stern. Most VLCCs have bulbous bows and are single screw. They have a very deep draught and their activities are limited to a few terminal ports. (Dodman).

<sup>15</sup> International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1995.

the circumstances at hand. The harbour pilot must be the most highly trained and experienced officer within that port. He will, after all, be handling practically each and every vessel entering and exiting that port.

In order to produce this specimen, one must establish the correct legal and administrative set up. There is certainly room for improvement in Maltese law where pilotage is concerned. In order to be able to do this, however, one must analyze, very meticulously the history of harbour pilotage in Malta since it began to be regulated by the law, the present operational and administrative problems, and most importantly what is lacking in the law applicable at present.

### *Historical Background*

Until not so long ago, civilian harbour pilots did not require any qualifications at all to achieve a pilot's licence. During the one-hundred-and-eighty year British Period in Malta, the Maltese were allowed to administer their part of the harbour as long as they did not interfere with or hinder the activities of the Royal Navy. The British Fleet had its own pilotage, towing and mooring facilities. The Maltese were therefore given a free hand in running their own port section. Dockyard tug masters were permitted to act as pilots for all merchantmen and liners. Other persons who were well acquainted with the Grand Harbour and its characteristics also took on the job as pilot. Individual agents who represented various shipping lines employed their own pilots. Competition was fierce and it was not unheard of that a group of pilots who became involved in some heated industrial argument would resort to physical and verbal violence. Pilots used to embark the principal vessel via the pilot launch, which was literally a Maltese *Dghajsa tal-Pass*<sup>16</sup> with the words 'Pilot Boat' painted crudely on the bows. Ships without agents were arduously fought for, and people of an older generation can still tell amusing stories of three or four pilot boats departing frantically from Customs Steps and all racing towards an open hatch in the same ship. It was literally a case of survival of the fittest.

The Pilot Boat carried a blue flag flown on an eight-foot stern mast. Each boat contained four men, two of which had to be licenced pilots, the other two being oarsmen. The boarding point for the pilots was Ricasoli Point, but this largely depended on the weather conditions. Pilots wore a bowler hat with a ribbon with the word 'Pilot' printed in large lettering on

it. They also had to wear a badge with their licence number on their right arm.

After boarding, the pilot was obliged to ask the master or the first officer whether the vessel carried gunpowder or any other combustible material on board. Masters who declared that their vessels were carrying more than three barrels of any such material were made to extinguish all naked flames and had to hoist a red flag on the main mast. After this safety practice was complied with, the ship was given the green light to proceed into Valletta. The pilots were also given a special allowance for boarding a quarantined vessel, and this allowance varied depending on whether they victualled aboard such vessel or not.

Traditionally, the harbour pilots' job was handed down from father to son and was granted on a closed-shop basis. Nowadays, however, applications are open to the public and to anyone that can fulfil the requirements so that the average harbour pilot is a person who is fully qualified according to the law and who has spent a considerable amount of time at sea.

### *1856 Regulations*

The law regulates pilotage as a service. The earliest piece of legislation that gave recognition to harbour pilots as an official organization appeared in 1856.<sup>17</sup> In these regulations, there is a first reference to the licensing of pilots together with some procedural regulations of a technical nature regarding signals, navigation and uniform. More importantly, however, we have the first indication of pilot professionalism and responsibility. Section 19 of these Regulations states that of the four men comprising a Pilot Boat's crew, two, at least, shall be licenced pilots whilst Section 22 states that when a pilot takes charge of a ship, he is to produce his licence for the inspection of the master as well as a copy of the above mentioned Regulations, if they are so required by the master.

The new regulations for port craft therefore attempted for the first time to regulate the harbour pilots who until then had a free hand in running their operations as they deemed fit. The introduction of a licence would now assign a certain amount of accountability and professionalism to the harbour pilots. The Superintendent of Ports was to award the licence and this is confirmed by Section 21 of the 1856 Regulations which states that 'a pilot, when on duty, shall wear on his hat a ribbon with Pilot on it, and shall carry on his right arm a badge

<sup>16</sup> This is a traditional Maltese harbour craft made out of wood, propelled by oars and which was used, and is still used today, though to a lesser extent, to transport persons across the harbours or between moored ships and the shore. The vessels are painted in bright colours and are built with a hull which is of c. twenty-one feet in length but which has a beam of only c. 1.5 metres at its broadest in order to be able to achieve relatively high speeds.

<sup>17</sup> These were the 1856 Regulations for preserving good order in the Ports, for regulating the service of Passage and Ballast Boats and the Transport of Passengers and the Luggage, and the service of Pilots and Pilot Boats by order of the Chief Secretary to Government Mr Victor Houlton, 26<sup>th</sup> February 1856.

(to be fixed by the Superintendent of the Ports) bearing the number of his licence'. Therefore, the pilots now had to conform to the orders and requirements of the contemporary equivalent to port authority. This is a situation that is still present in the present day laws on pilotage in Malta..

In October 1880, the pilots formed an organization called the Malta Pilots Service. The concept was to gather all the different groups of harbour pilots under one umbrella and to minimize if not eliminate abuse. This brought about the co-operative system whereby earnings were pooled and distributed proportionately amongst the members of the Service. It also introduced a retirement plan as well as a benefit system for widows and orphans. The role of Chief Pilot, who was in actual fact the general manager of the pilotage service, was introduced. He was to administer the distribution of work, earnings and to manage the maintenance and cost funds.

### *1907 Report*

In 1907, a commission appointed by the government with the specific purpose of investigating the organization of the Pilotage Service in Malta published a report on 'The System of Pilotage in Malta'.<sup>18</sup> The report found that there was an excess of pilots operating in Grand Harbour. The administrative and auditing systems as well as the remuneration systems were highly confusing and extremely vague and there was urgent need for reform.

The Commission urged the Government to nationalize the Pilotage Service and to designate Grand Harbour as a compulsory pilotage area. This latter proposal was based on the complicated, high-level navigational skills, which were required to negotiate the narrow waterway created by the construction of the new breakwater arms at the entrance to Grand Harbour.<sup>19</sup> Two steam launches were to be acquired for use as the official pilot launches but the old boats which were used in the past were also to continue their service.

### *Pilots Regulations 1938*

By 1938, it was felt that a separate set of laws had to be drafted in order to regulate properly the pilotage service in Malta. The traffic inside Grand Harbour had become much heavier

and navigational systems were rapidly becoming more complicated. After extensive discussions between the harbour pilots, the port authority, the shipping agents and the cabinet, a set of draft regulations that was to be referred to as the Pilotage Ordinance<sup>20</sup> were presented to His Majesty's Government for implementation. A committee (consisting of the Senior Crown Council, the Captain of the Ports, the King's Assistant Harbour Master, the Chief Pilot and a representative of the Chamber of Commerce), which was eventually to constitute the Pilotage Board, was set up specifically to carry out the task of formulating this set of regulations. These regulations were drawn up according to guidelines given to the committee through the Attorney General<sup>21</sup> by the Government. The committee, on drawing up the regulations, took exception to a number of points and requested their amendment. Most interestingly, the language question regarding the use of English, Italian and Maltese which had dominated both politics and the media towards the late 1930s arose too. According to Regulation 4 (g), the Italian language was to be abolished from the requirements to obtain a pilot's licence. The pilots, through Dr Enrico Mizzi who was then President of the Pilot's Society, asked that Italian (Reading and Conversation) should be included amongst the subjects of examination for the granting of a pilot's licence. The government turned down this request stating that the official languages were to be English and Maltese, and there was no reason whatsoever why special arrangements were to be made to benefit Italian ships, to the obvious discrimination of those vessels of other nationalities, for which no special arrangements were to be made.

The Regulations also called for the establishment of the Pilotage Board and for a system whereby the Government on advice of the other members of the Pilotage Board who, in turn would consult the Pilots themselves would elect the Chief Pilot. The Regulations laid down a list of requirements (academic and technical) for persons to be suitable candidates for obtaining a Pilots licence. The Regulations also put the pilots directly under the authority of the Superintendent of Ports<sup>22</sup> as well as laying out the duties and responsibilities of the Chief Pilot and the Pilotage Board, many of which apply until this very day.

<sup>18</sup> This report is available at the National Archives, Santo Spirito Hospital, Rabat.

<sup>19</sup> Incidentally, the construction of St Elmo and the shorter Ricasoli breakwater arms created a navigational hazard, particularly to vessels of a particular length and draught when entering Valletta Port. When the vessel's stern clears Ricasoli breakwater arm, the ship must, aided by tugs, turn hard a-port to clear a reef which protrudes right underneath the Mediterranean Conference Centre known as 'Taht iż-Żiemel'. This is an extremely difficult and complicated task and a serious highly trained bridge team together with one or more good pilots are required.

<sup>20</sup> Pilotage Ordinance No. XX of 1937, (National Archives).

<sup>21</sup> Refer to document dated 26<sup>th</sup> November 1938 emanating from the Attorney General's Office and addressed to the Lieutenant-Governor (National Archives).

<sup>22</sup> Refer to section 9 of the 1938 Pilots Regulations which states that Pilots shall not berth ships or shift them from their berths without the approval of the Superintendent of the Ports.

These proposed Regulations met heavy opposition from the Pilots and the Pilotage Board alike, in particular the sections relating to the appointment of the Chief Pilot and the dispensation of the Italian Language from the requirements for new candidates. However, the Government turned down all requests. The Regulations, after negligible amendment were passed as law and came into effect as from the 1st February 1939.

### *Ports Ordinance 1962*

In 1961 the Pilotage Corps was reorganized under the new Port Division. In 1962, under the Ports Ordinance, a Pilotage Board was set up in order to licence and appoint pilots and to create legislation that was to regulate the Pilot Service in a proper manner according to the law. This was done in the light of Malta's forthcoming independence and the foreseeing of the closure of the naval base. In 1968, new regulations came into force but these were subsequently amended in 1975. This new law included provisions which were taken out of the old legislation as well as new additions such as those involving pilot training, practices and procedures as well as legislation referring to fund management and tariffs.

### *Pilotage and Mooring Regulations 1975*

The most important piece of legislation to have emerged from the development of Pilotage in Malta was in the form of the Pilotage and Mooring Regulations Legal Notice 1975. This law also provided for the licensing and examining of pilots, the specific role of the chief pilot, a limited amount of pilot procedure, and the administration and financial management of the Pilotage Corps. The pilots now became recognized as semi-autonomous employees under the name of the Malta Pilotage Corps. The major development was that the new law abolished once and for all the unhealthy father-to-son system. The new regulations laid down certain criteria that applicants for the post of harbour pilot were to meet. They were to possess skills which included a good knowledge of the International Code of Signals, the International Convention on the Prevention of Collisions at Sea, proper use of navigation lights, manoeuvring, chart work, Maltese Territorial and Internal Waters Geography, helm orders, steaming, anchoring, clearing of foul anchors, hawser procedures, mooring and berthing procedures and dry-docking procedures. A good command of the Maltese and English Language was also essential.

Procedures for the election of the Chief Pilot were laid down as well as an outline of his duties. The Chief Pilot was

to set the duty rosters and to make sure that the high standard of the pilot service was maintained.

The stabilization fund was also set up under these regulations. This served to finance ancillary equipment and other requirements of the pilotage corps such as ropes, life and indemnity insurance of the pilots, uniforms, radio equipment and pilot station bills. The stabilization fund is made up of a percentage (ten per cent), which is charged over and above the fees for pilotage and is paid by the ship owner, charterer, agent, etc.

The regulations laid down, also, the procedures that should be followed in case of any disciplinary action, which was taken against any one of the pilots for any shortcoming on his part in the line of duty. This was also an innovation in the law.

These regulations, albeit their great improvement on past legislation, created a certain amount of legal and administrative difficulties that are having awkward repercussions up to this very day. By virtue of this legal notice, pilots were officially placed under the same umbrella and given the same terms of employment and working conditions as mooring men.<sup>23</sup> The mooring men share the same quarters as the pilots. It is therefore not difficult to understand that, in comparison to the task of a pilot, the task of a mooring man presents virtually no academic or physical challenge or responsibility. This state of affairs has created an operational problem, which is still very evident, more than ever before, in today's Pilotage Corps. The mooring men have a totally different task from the pilots and therefore they must be catered for under a different section of the law. Pilotage is a very serious, delicate and perilous profession, which may have consequences of a very grave nature with huge, possibly inconceivable, liabilities. Therefore it must be regulated very stringently and specifically and with much concentration. The pilots should be the most qualified persons in the port area who bear a large amount of responsibility for port safety. As a result of this they should be allowed to operate within an establishment which is correctly set up by the law and which allows them to work professionally and safely and with as few administrative difficulties as possible.

### *Malta Maritime Authority Act 1981*

Part 7 of the Malta Maritime Authority Act 1981 deals with pilotage under Maltese Law. This act virtually uplifted and incorporated the 1975 Pilotage and Mooring Regulations into itself with one difference. By doing so, this area of the law tries to observe matters from an objective point of view. That is

<sup>23</sup> The task of the mooring-man or line-handler, is effectively that of catching the rope cast from the vessel and securing the ship in her berthing or mooring place. The mooring men had been operating hand-in-hand with the pilots since the early days of pilotage in Malta. However, it is evident that, as time, progressed both professions grew far apart both physically and academically.

<sup>24</sup> Malta Maritime Authority Act XVII 1991, Sections 54 to 64.

<sup>25</sup> Malta Maritime Authority Act (Cap. 352), Sections 54 to 64.

to say, the law caters for the requirements and regulation of the pilots, as well as the roles of the Port. What must be noted is that the Malta Maritime Authority Act<sup>24</sup> includes both the 1975 Pilotage and Mooring Regulations since these were never repealed, as well as the new sections,<sup>25</sup> which are general in nature, and which cover the general principles governing harbour pilotage in Malta. The more specific principles of the law are provided for under the Pilotage and Mooring Regulations 1975 incorporated into the Malta Maritime Authority Act in 1981. Therefore, these two areas of law together with a number of legal notices constitute the law of pilotage in Malta. The Malta Maritime Authority Act is the final piece of legislation on which pilotage is based.

Pilotage is a serious business, which entails dedication, knowledge and skill on the part of a handful of highly qualified professionals. The consequences of bad organization and poor training can be very serious indeed if not possibly tragic. In order to give the Pilotage Corps the legal strength that it requires and indeed deserves, a piece of legislation which regulates this body thoroughly and separately from any other entity must be drafted and put into force. This is a project, which is currently underway, and which, when completed, will hopefully bring to an end many of the administrative and practical problems which this important but often underrated institution has had to encounter since its inception.