

# THE PILOT

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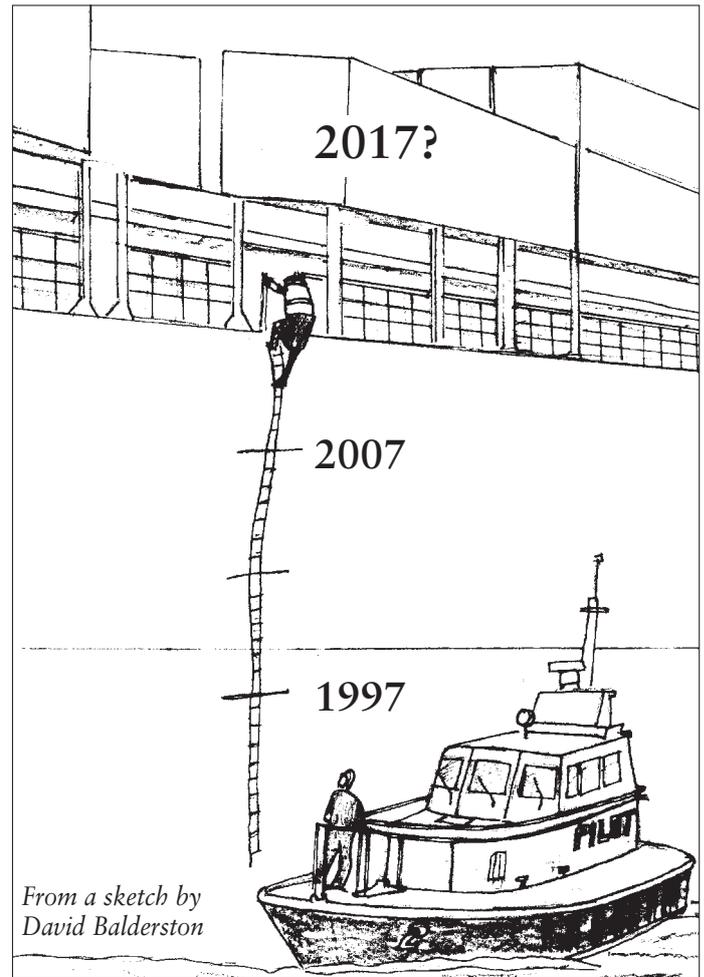


The official organ of the United Kingdom Maritime Pilots' Association

## Editorial

Whilst browsing through some back issues of *The Pilot* I realised that this issue marks the 10th anniversary of my taking over as editor of the magazine. Since January is traditionally a time when editors reflect on the past and look to the future this issue provides me with an excuse to do the same. From a pilotage aspect the last ten years has seen examples such as the Humber dispute which have confirmed the weakness of the Pilotage Act to ensure safety in pilotage waters through well trained pilots. The implementation of the Port Marine Safety Code, introduced following the *Sea Empress* grounding, has changed little except reveal a need for legislation to enforce its content. On board ship, the navigation equipment has improved but generally on ships other than tankers this has been matched by a reduction in the quality of ships' officers and manning levels which have increased fatigue. These factors appear to be confirmed by on-going serious maritime casualties and the depressing statistic that 2006 was a record year for fatalities at sea.

So, crystal ball time for the next ten years! Fatigue will become a key issue as insurers refuse to pay out claims where incidents have resulted from officer fatigue and this could result in higher manning levels using low cost Chinese crew to replace the dwindling pool of skilled officers (especially Masters) willing to take on the thankless task of serving in the modern merchant ship. There will be total intolerance towards any accidents in coastal waters and it is almost certain that pilots' traditional Limitation of liability will be challenged in the courts. The e-navigation agenda will inevitably have an impact on traditional pilotage and the next ten years will probably reveal whether or not navigation in port approaches is controlled by VTS through Navigation Assistance Service (NAS) or by a pilot on board equipped with personal navigation equipment. Both services have their advantages and disadvantages and again the deciding issue may be whether a port offering VTS NAS becomes liable for incidents resulting from an erroneous instruction to shipping under its guidance. My personal opinion is that pilotage will be recognised as the most cost effective means of ensuring the safe transit of vessels into and out of ports but both the pilots and the pilotage service will have to be of the highest possible standard. In an address to the IMPA conference in Cuba last November Captain Nicolas Cooper, the President of the Nautical Institute, provided damning examples of poor pilotage practice, in particular a common lack of an even basic information exchange. The fact that Captain Cooper would apparently prefer to receive pilotage information from a remote voice in a VTS tower rather than from an arrogant and



From a sketch by David Balderston

incommunicative pilot on the bridge should be an alarm call for all of us to ensure that we operate to the highest possible level of professionalism.

*PS It may be that after ten years my editorship and the magazine are becoming stale and in ten years time I will be retired so if any of you new pilots out there feel like volunteering to take the magazine on, please get in touch!*

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# CONFERENCE 2006

2006 saw delegates back in sunny Eastbourne for the 119th annual conference at the T&G centre. The following is a brief account of proceedings but the minutes of the proceedings will shortly be uploaded onto the members' area of the UKMPA website along with the presentations made. If you have not already registered for access to the members' area please do so at [www.ukmpa.org](http://www.ukmpa.org). As well as the conference detail all the circulars are available and the website is now the prime information source for the Association. This year the conference was arranged such that all the "closed session" UKMPA presentations and discussions were held on day 1 with presentations and discussions with outside bodies held on day 2.

**PNPF:** The first session on day 1 is always PNPf and Debbie Marten opened the proceedings with a PowerPoint presentation which she used to provide the latest information regarding the PNPf Secretariat and an explanation of the Government's White paper on pensions. Other issues covered by Debbie included information on the following:

- Scheme Specific Funding (which has replaced the previous MFR method of fund valuation)
- Trustees
- Investments
- Age discrimination Levies
- Pension reform.

**Richard Williamson, Boston pilot & Chairman of the PNPf Trustees** - Richard opened his presentation by providing a brief history of the PNPf from its inception in 1971 to the present in order to provide members with an understanding as to how the relationship between the Ports and pilots had evolved and how this relationship with the ports affected the fund valuations. Following this introduction Richard provided a detailed breakdown of the fund, its membership, investments, assets and liabilities and explained how the current deficit was being addressed. Although the deficit was reducing there may be a need for the regulator to become involved in 2007. During the subsequent Q&A session Richard answered questions on the deficit, deferred pensions, voluntary contributions and revealed evidence that some ports with self employed pilots were seeking to claw back their payments from the pilots. Many of the questions revealed some confusion over the role of pilot fund members also acting as trustees and as a clarification Richard has provided an article which replaces Debbie Marten's normal Pension Report on page 6.

**MAIN SESSION:** Chairman Joe Wilson opened the conference and two minutes silence were observed for the pilots who had died during the past year. Joe explained that he had invited the shipping Minister Dr. Stephen Ladyman to speak at the conference and read out a letter from the Minister expressing his apologies for being unable to accept.

**Chairman's report:** An updated report appears on page 7. In addition to his report Joe expressed concern at the failure of region 2 to field a candidate to replace Paul Haysom on the Section Committee and at the lack of candidates standing to act as deputies in regions 2, 4 and 6. Other points raised by Joe were:

- Increased use of the new website
- Developments on the Humber dispute
- Kristian Pederson's tribunal hearing
- Proposed changes to the conference dates and venue.

Joe concluded his report by paying tribute to Dave Devey and Paul Haysom who were both retiring from the Section Committee. Joe detailed the considerable work and achievements that they had provided to members and in enhancing the professional reputation of the UKMPA.



Conference Centre, Eastbourne

**Financial Report: John Pretswell (Forth)** John explained that there had been a net membership gain of 2 since the last conference to 488. He then provided a detailed explanation of the printed financial report and presented the delegates with the 2007 budget and proposed subscription rate which were duly approved and seconded.

**Technical & Training Committee report: Brian Wilson (Belfast)** Brian presented apologies for absence on behalf of the T&T chairman Gareth Rees and referred the delegate's to Gareth's printed report which is on the website.

**Training:** Brian explained the proposed Maritime Sector Foundation Degree (MSFD) and its relevance to future pilot recruitment. Progress had been made in gaining acceptance for the need to ensure that future pilots were well trained and qualified and the DfT were keen to formalise the process for the MSFD to lead to a pilotage qualification. Whilst the MSFD fell short of the requirements of the ECTS proposals Brian reported that ECTS was seemingly stalled within the European Maritime Safety Agency.

**National Occupation Standards (NOS):** Again the DfT are keen to get these finalised and if any district is already using the NOS as part of their pilotage training programme please can you let Brian know: [bjwilson@btinternet.com](mailto:bjwilson@btinternet.com)

**Pilot boarding and landing code:** Brian described a somewhat surreal round of discussions whereby the ports had been stalling the process and resenting the involvement of pilots. At the last meeting the handwritten original document written by past T&T Chairman (retired member Peter Russell) was shown to the ports who then had to admit defeat. Again it appears that the DfT and MCA are keen to conclude this issue. Once concluded the document will be used to re-write the EMPA recommendations on pilot transfer.

**Maritime Navigation and Information Service (MarNIS):** Brian explained that he had had to withdraw from this brief and had handed it over to Nigel Allen (Southampton). The project was ongoing and Nigel's article in the October issue of *The Pilot* provided the latest update.

**Personal Protective Equipment:** This document, originally produced by past T&T chairman John Brown, had stood the test of time and provided a valuable reference. Brian did identify one sad and petty problem whereby an unnamed CHA had viewed the PPE policy as a union demand rather than a Health & Safety issue! In the subsequent Q&A session questions were asked concerning



ECTS, NOS, the B&L code and pilot recruitment and training. Some delegates reported a growing problem of poor quality candidates presenting themselves for interview.

## DISTRICT REPORTS

The Chairman had allocated a short period for districts to present their reports. Many districts had sent their report in written format which were included in the delegates pack but Joe requested that in future it would be preferable for the reports to be submitted electronically in order that they may be posted on the website.

Brian Wilson took this opportunity to update the delegates on the imminent transfer of Belfast pilots into self employment (see page 11.). In particular Brian thanked Dave Devey (Liverpool) for providing the initial information and impetus which had enabled them to set up meetings with Belfast port management. Dave had then been invaluable in guiding them through the process. In a similar experience to Liverpool nearly ten years ago the relationship between Belfast pilots had gone from conflict one year ago to regaining professional respect in their dealings with senior management. Brian also thanked Joe and all the other UKMPA members who had offered varying assistance. Finally, the T&G had played an essential role by providing the necessary advice on the employment and contract issues.

John Stafford (London) provided the delegates with an update on the situation in London where the PLA had embarked on a project to remove pilotage from one of the approach channels and close a pilot station. Shipping would then be managed by VTS operators to proceed to an inner pilot boarding area with restricted sea room to embark their pilot. Pilots were involved in the working group and had provided an enormous amount of professional data in opposition to the plans which it was hoped would see the proposal eventually abandoned. Other problems had arisen over the issuing of a new Pilotage direction which, due to a drafting error had inadvertently included some previously exempt vessels. John concluded his report by explaining that the PLA had introduced an incomprehensible policy of only issuing new pilot entrants with a fixed 5 year contract. John had been frustrated at the failure of management to understand how, given the dwindling pool of qualified applicants, this policy would prevent many potentially good candidates from even applying for an interview.

## ELECTIONS

The section committee members listed on page 14 were elected during this session. During general discussion Joe expressed concern at the lack of a candidate from region 2 and also the lack of deputies in regions 2, 4 & 6. Although this shortfall was permitted under the rules it would result in an additional workload being placed on the existing SC members.

## RESOLUTIONS

Two resolutions (full text on the website) concerning moving the dates of the annual conference and interim delegate's meeting and a proposal to consider employing a permanent administrator were both passed. Two rule changes clarifying membership of the T&GWU, EMPA and IMPA and the linking of membership to the insurance cover were also approved by the delegates.

## UPDATES

### Kristian Pederson:

Dave Devey provided delegates with full details of the employment tribunal case concerning Kristian's dismissal for gross misconduct by ABP following his refusal to be overcarried outside his district. Kristian was represented by Barrie Youde who presented very strong legal arguments in support of Kristian but although the evidence was very much in Kristian's favour, once again a case was lost due to the total failure of the 1987 Pilotage Act to offer any form of protection for a pilot's authorisation.

### Humber:

Dave Devey explained the latest situation regarding the Humber dispute where he was able to report some positive developments. Once again Barrie Youde was representing the Humber pilots and a legal process against ABP for "Misfeasance in Public Office" had been instigated. Legal opinion is that the Humber pilots have a very strong case and it is possible that a court case may commence in 2007.

### IMPA Don Cockrill (London):

Don stated that he was attending the IMPA congress in Cuba and had put his name forward for one of the Vice President's positions at the elections. One of his priorities was to establish the cause of the loss of a pilot cutter in Uruguay which had resulted in the deaths of the crew and two pilots. Don went on to explain that IMPA was hoping to host the 2012 IMPA congress in London and that although the UKMPA would not be involved in the organisation or funding it was hoped that UKMPA members would offer their support for the initiative. Because the UKMPA Section Committee would be involved and some initial small expenditure of UKMPA funds may be required then Don just needed to gauge whether the delegates approved of the idea. This was confirmed by those present.

Don's report from the IMPA congress appears on page 7.

## INSURANCES

At the request of London the last session of the afternoon was reserved for a discussion on the insurance aspect of membership. Some members in London and Harwich had questioned the need for separate insurance cover because they believed that they were

adequately covered by their CHA's policy as employees. Although none of the pilots who objected to the insurance element of the insurance attended the debate their concerns were presented to the delegates and debated in detail. The key factors to emerge were:

- Whilst undertaking an act of pilotage a pilot is not an employee of the CHA but an independent professional effectively employed by the ship owner (*Cavendish v PLA 1992*). It was therefore possible that the CHA's insurers would not cover pilots whilst piloting. Can pilots afford to take that chance?
- Following the *Sea Empress* grounding Milford Haven had immediately suspended the pilot who they employed. The UKMPA insurers had been successful in re-instating him.
- Concerns over the fact that pollution is a criminal act and therefore couldn't be insured against were irrelevant because it was clearly stated in the policy that cover for the cost of legal representation in a pollution incident was included.
- Questions asked of some complainants revealed that they had not actually read the policy a copy of which is available on the UKMPA website.

The vote regarding the rule change which formally includes the insurance as a condition of membership and which had been deferred until after this debate was passed with 46 in favour and 6 proxy votes against.

## ••••• DAY 2 •••••

The proceedings for day two consisted of presentations by outside bodies and the session was formally opened by UKMPA President Lord Tony Berkeley. In his presentation Tony was able to provide the delegates with a unique insight into supply chain logistics gained from his primary role as Chairman of the Rail Freight Group. With increasingly large container ships depositing vast numbers of containers onto quays and also a requirement for vast numbers of containers to be delivered simultaneously for backloading, logjam of traffic was a growing problem. Rail freight could ease the situation but the government's failure to develop an integrated transport policy and its statement that it was not a function of government to promote the use of rail freight had resulted in market forces favouring road transport. This lack of an integrated transport policy was further compounded by a similar lack of a national ports policy and the refusal to consider government investment into the infrastructure for surface access to ports had left the UK at a competitive disadvantage compared to the rest of Europe. There was therefore a risk that rather than UK ports developing as trade "hubs" the UK would become just a feeder outpost of the major European port hubs.

### **SALVAGE: Kevin Austin (Partner law firm Constant & Constant and ex Humber pilot)**

Kevin provided a PowerPoint presentation to delegates covering the law of Salvage with respect to pilots and detailed the following points

- The circumstances required for a pilot to be entitled to claim salvage,
- The factors affecting the level of a salvage award
- How to go about making a salvage claim.

In addition to defining the term



Lord Tony Berkeley



Kevin Austin

"salvage" and explaining the circumstances required for a valid claim Kevin explained the difference between "contract" and "common law" salvage and whereas a tug company may be contracted to provide a salvage service a pilot claiming as an individual would make his claim under the common law. Another relevant factor of salvage is that it must be voluntary. If a pilot is sent to a vessel aground and has negotiated a special rate for the pilotage then no salvage would be payable. If, however he was sent under his standard rate then because such an act was outside his normal duties then a salvage claim would be valid. The whole aspect of salvage and in particular the validity of a claim by a pilot is legally complex but Kevin's presentation clarifies all the key issues involved and is available for download from the UKMPA website.

### **MARIS ECDIS**

A presentation was given by representatives from the Norwegian company MARIS who produce a pilot specific portable ECDIS unit. The unit called "Pilot Mate" is used by many deep sea pilots and MARIS have been awarded a contract to supply the Norwegian and Danish pilots with the equipment. These units have been well endorsed by the pilot users and in particular the company has responded well to the user requirements for specific features. One unique feature is the "Marine Data System" developed by the company. Approved by the UKHO and claimed to be the world's first such system, MDS compresses chart correction data enabling charts to be updated in a few minutes by email. Full details can be downloaded from the MARIS website at [www.maris.no](http://www.maris.no)

### **E-Navigation: Joseph Odiari, (Team leader, Galileo project, DfT)**

The topic of e-navigation, as detailed in the October issue of *The Pilot*, has suddenly been placed on the agenda at IMO and one of the key driving forces behind this new concept has been the UK's DfT. Starting from a speech by the shipping Minister Dr. Stephen Ladyman just twelve months ago, the e-navigation concept has been promoted by IALA with the support of the Department for Transport and such is the importance that the DfT attach to e-navigation that they have placed it on the agenda for the NAV sessions at IMO and have appointed Joe Odiari to head the DfT's input. Joe commenced his presentation by detailing the key objectives behind the concept.

- safe navigation and effective safety services (eg SAR)
- secure shipping and secure systems
- safeguarding the marine environment
- managing traffic efficiently and at reasonable cost
- value added potential (eg logistics management)

The benefits of e-navigation were considered to be:

- safety, accuracy, reliability
- Improve communication services
- Enhance maritime security
- Enhance environmental protection
- monitoring and intervention from the shore when necessary
- Instantaneous updating
- Interactive alerts & advice
- Prioritisation of data
- Cost savings on "legacy" navigational aids

Joe explained that historically ships navigation systems had been developed around the traditional on-board autonomy but with new technologies there was now an opportunity to develop systems that would integrate the on-board equipment with shore authorities and



Joseph Odiari

establishments and other vessels. He admitted that there were many obstacles to overcome but by setting up working groups within IMO and developing a coherent e-navigation strategy then it should be possible to develop compatible and standardised systems on board and ashore to maximise the potential of new technologies and thus enhance safety of navigation.

**DfT: James Weedon (UK Ports division)**

James Weedon explained the current Ports Policy Review which was being undertaken by the DfT. Full details of this are available on the DfT website at: [www.dft.gov.uk/stellent/groups/dft\\_shipping/documents/divisionhomepage/611692.hcsp](http://www.dft.gov.uk/stellent/groups/dft_shipping/documents/divisionhomepage/611692.hcsp)

During the subsequent discussions James was unfortunately unable to report any progress on the new Pilotage Act which had been an agenda item at the 2005 conference.

**CHIRP: Mike Powell (Director) - Pilots & Fatigue**

Mike explained that from the CHIRP statistics, fatigue in general was not one of the major issues requiring investigation. However, this was puzzling because Nautilus had identified fatigue as an issue from their members and MAIB reports were also increasingly identifying fatigue as a major contributory cause of accidents. However, on-board records inevitably revealed compliant working hours which were obviously false. Unfortunately it was evident there was a fear of reporting by those affected and this meant that the issue remained hidden. With respect to pilots, CHIRP had received some reports of fatigue (mainly from one port) which indicated that there were unsafe rosters being worked by pilots. When examining the complaints CHIRP had referred to the Pilotage Act which had no specific reference to pilots and fatigue. The PMSC did state that a pilot should be "fit" and this would indicate that he shouldn't be fatigued. Following a pilotage incident where the pilot's fatigue had been identified as a factor the MAIB had referred the matter to the PMSC Steering Group advising it "to develop appropriate working hours regimes for UK pilots, taking account of current regulations and advice on working hours". However, when the PMSCSG discussed the matter it was declared that this recommendation was beyond its remit.

The Question was now where can CHIRP go next? Being a PMSC issue it was the DfT's responsibility but approaches to the DfT had met with the response that compliance with the PMSC was the responsibility of the CHAs. If a CHA declared compliance then the DfT couldn't get involved and James Weedon, who was still present confirmed that that was still the DfT's "position" on the matter. In summary Mike stated that there was evidence that fatigue was an issue in some ports but that there was currently no means of addressing the problem. Fatigue management models existed for

aircrew but these could not be imposed upon CHAs.

**Secretary of State's Representative (SOSREP): Robin Middleton**

Robin provided an interesting and amusing account of his unique role as the SOSREP, a position that had arisen out of Lord Donaldson's review of the *Braer* and *Sea Empress* disasters. Appointed in 1999 and with just two deputies, he acted as a liaison between the government and the MCA but would only become involved if a serious incident in UK waters looked likely to develop into a major disaster. Although he had no budget he effectively took full responsibility for handling a developing situation and had the authority to commandeer and direct whatever resources he considered necessary to achieve the safest outcome and that ranged from recruiting specialists, deploying tugs and even setting up exclusion zones. Arrangements were in place with tug companies around the UK, France and Holland for the Government to requisition tugs under an agreement called CAST (Coastguard Agreement for Salvage and Towing) which supplemented the MCA's salvage tugs and this meant that powerful tugs could be in place anywhere in UK waters within 12 hours. Safety of life and Search and Rescue is the primary response followed by Salvage and then cleanup.

During the last seven years Robin explained that he had been involved in over 600 incidents, had taken direct charge of 39 and 27 of those had required implementation of the National Contingency plan. Robin concluded by announcing that he would be retiring in 2007 and the post was therefore available for any masochist who wished to apply!

Joe Wilson closed the conference by announcing the agreed new conference policy with an expanded Interim Delegate's meeting to be arranged for 5th September on board the HQS Wellington on the Embankment.

## SECTION COMMITTEE REPRESENTATIVE FOR REGION 2

The retirement of Paul and Dave left vacancies for regions 2 & 5. Whilst Dave Williamson has been elected for Region 5 no candidate offered to replace Paul in representing Region 2. Without a deputy to stand this leaves R2 without any Section committee member. This is disappointing to say the least and it of course places a greater workload on the other committee members. Although it is too late to be formally elected this year any pilot can be co-opted onto the committee. Pilots views will only be listened to if we have representation so please contact Joe if you want to support the UKMPA's work but have been a bit reluctant to stand for the full committee election.

## SECTION COMMITTEE RETIREMENTS

This year two long serving members of the Section committee, Dave Devey, Liverpool (Region 5) and Paul Haysom, Great Yarmouth (Region 2) stood down due to retirement. During the conference proceedings Joe Wilson made a presentation to Dave and Paul in recognition of their dedication to the UKMPA. Both members received warm applause from the delegates present.

Paul Haysom, who was presented with a fine pair of binoculars, will be particularly missed by the small ports members (who have both financial and logistical difficulties in attending the annual conferences) since he provided a valuable link as their representative. In this role, coupled with his remit to encourage recruitment he has managed to ensure that pilots in the smaller ports were made aware of the benefits of memberships and their membership has increased during Paul's time on the Section Committee. Paul's main brief however was dealing with insurances and during the last three years, following the withdrawal of pilots' unique cover by Navigators & General, Paul found himself having to negotiate a policy with a new insurer. It is to his credit that the new policy with Royal & Sun Alliance arranged through Circle Insurance brokers has delivered additional cover for a similar premium.

Dave Devey received a golfing trolley and a new copy of the Pilotage Act! Tributes to Dave's dedication to the pilotage cause appear on pages 11 and 12.



# PENSION NEWS

**Richard Williamson**

Chairman PNPf Trustees

*As a result of comments from members Richard has identified a need to explain the role of trustees and hopes that the following will clarify the key issues.*

## Representative or Trustee?

One of the comments often made by Pilots is "we want our representative to be a trustee". This statement could be construed as a contradiction in terms because trustees have a duty of care to all members of the fund and are required to follow legislative guidelines. Representatives have a duty to the people they act for.

If a trustee acted as a "representative" to look after the interests of particular pilots he would be in breach of trust and could be disciplined or prosecuted.

## Fund valuation

At the time of the last valuation, held under the Minimum Funding Requirement (MFR) rules, the PNPf was 100% funded but under new calculations it has an on-going deficit of £105M.

The recommendations of the Regulator, when dealing with a deficit, are that trustees are duty bound to reduce/eliminate the deficit as quickly as possible which is why we have agreed to a voluntary arrangement with the "Participating Bodies" and have embarked on a new investment strategy to help reduce the deficit.

## Trusts and Trustees

Trust law has existed for centuries and the principles have become established as a result of court cases and the following examples may help to clarify the term:

### **Cowan v Scargill** (High Court) 1984

*"The duty of trustees to act in the best interests of the present and future beneficiaries of the trust is paramount. This almost certainly means best financial interests".*

### **Martin v City of Edinburgh District**

**Council** (Court of Sessions, Scotland) 1989

*"Whilst trustees cannot be expected to set aside completely all personal preferences and conscientiously held principles, they must exercise fair and impartial judgement on the merits of the issues before them".*

## Defining a Trust

One text book definition of a trust is that 'a trust is an equitable obligation binding a person (who is called a trustee) to deal with property over which he has control (which

is called the trust property) for the benefit of persons (who are called the beneficiaries) of whom he may himself be one.

The most important principle is that one person is holding assets for the benefit of others. In the case of a pension scheme, the trustees are holding the pension fund assets for the benefit of the members and their first duty is to them. The term 'Members' includes not just active members paying into the scheme, but also people with deferred pensions and those who are drawing benefits.

## Duties, responsibilities of a Trustee

The fundamental duty of a trustee is to make certain the provisions of the trust deed are adhered to. Any trustee failing to do this is in breach of trust.

### Other duties:

- Paying the right benefits at the right time
- Keeping accurate records of members and dependents
- Keeping proper accounts
- Ensuring scheme assets are properly and prudently invested

### **The Pensions Act 1995 placed the following key responsibilities on trustees**

#### Appointment of professional advisers:

Scheme Actuary  
Scheme Auditor  
Fund Manager  
Custodian  
Legal Advisor

#### Investment of scheme's assets:

Trustees have complete power to invest scheme assets as if they were their own, subject to their duty of care, the taking of proper advice from qualified advisors, any scheme restrictions and the statutory restriction that no more than 5% of the market value of the fund may at any time be invested in employer related investments.

New regulations to comply with the EU Directive on pension schemes, from late 2005, require the trustees to invest predominately in regulated markets and to ensure proper diversification.

#### Statement of Investment Principles (SIP):

Trustees must prepare and maintain this statement after taking advice from an experienced investment adviser and after consulting the employer it must include :

- Kinds of investment to be held and the balance between them
- Risk and expected return
- Realisation of assets
- The trustees' policy on socially responsible investments and the exercise of voting rights.

- Compliance with scheme funding legislation

Since 22 September 2005 when MFR ceased, legislation now dictates that a triennial valuation must be carried out with liabilities valued on a basis determined by the trustees as appropriate for their own scheme.

- Disclosure of pension scheme information

Under UK pension law, scheme trustees are required to make a substantial range of information available to scheme members.

Although as trustees we delegate most of these duties to the secretariat we are still responsible for them being carried out.

In all the articles I have read I have never come across a description of a trustee as being a "representative"

## The Pensions Regulator

In April 2005 responsibility for monitoring occupational pension schemes was transferred to the new Pensions Regulator who has wide powers to conduct investigations and can impose severe penalties for non-compliance with legislation.

The demands of the Regulator have therefore focused the trustees' attention for an increased requirement for training and understanding and to complete the new "e" learning course. Our expertise is now demanded rather than assumed, with the onus being on the trustees to prove they have the required training and understanding.

The duties of a trustee are therefore onerous and not to be taken lightly; we take our responsibilities very seriously and will always act to the best of our ability in accordance with trust and case law, legislation and best practice.

## Retirements

Aug 2006 to Oct 2006

S Baker	Seaham	Sept
LG Cate	Southampton	Oct
B Dabner	Liverpool	Sept
KP Guy	Fowey	Sept
PG Widd	PLA	Sept

## Pensioners Deceased

August 2006 - October 2006

CT Chase	King's Lynn
M Field	London-Cinque
JE Oates	London-Cinque
MA Patterson	London-North
NG Warr	King's Lynn

## CHAIRMAN'S REPORT

Firstly, let me wish you all a Happy New Year, is it me, or do they really pass by faster as you get older?

Conference in Eastbourne did go ahead, although at one stage, with only 30 pilots attending, I did think of having to cancel it due to lack of interest. In the end there was a maximum of 47 pilots (including section committee). I understand that there are a lot of districts that do not have sufficient numbers to allow someone to attend, and there is little we can do about that. I am still waiting for the final minutes, and once they are approved each district secretary will be sent a copy, and, of course, they will be on the web site. Some of the presentations are already posted.

The format was changed this year, and only pilots attended the first day, with guest speakers on the second day. From the feedback I have received this seems to have been a good idea.

Two Resolutions were passed; the first allows for the date of Conference to be

moved to April/May (depending on Easter), and the second gives section committee the remit to look at improving the administration of the Association. Therefore, the next Conference will be April/May 2008, at a date and place to be confirmed (although we are looking at Harrogate), and there will be an [more formal] Interim Delegate Meeting on September 5th, probably onboard HQS *Wellington*. These will be confirmed after section committee meeting on Jan 17th.

Rule 4 was also amended and the new constitution is available on the web site. I shall be sending a new circular regarding insurance in the near future, once I hear back from underwriters.

The IMPA Congress was also held in November, and was attended by Don Cockrill and John Pearn (*see Don's report below*). Some of the presentations are on the web site – in particular I would like to draw your attention to comments made by Nicolas Cooper, President of the NI. It does not make good reading from a pilots perspective, and I know that we could easily write a similar letter, but if I were to make a New Year Resolution it would be

that we each, in our own little way, do something that would address the criticisms made. It would be remiss of me not to mention that Geoff Taylor stood down as President and was replaced by Mike Watson from the USA. We all owe thanks to Geoff for the considerable work he has put in over many years for all pilots. Unfortunately Don Cockrill was not elected as a Vice-President, which he is disappointed at. He will continue to look after our interests at IMPA and IMO.

The first meeting of the new section committee is in a fortnight, SC is now somewhat depleted; you have already been informed that there is no representative from Region 2, or back-up from Regions 2, 4 and 6. More meetings for each of us to attend!

Belfast Pilots Ltd was formed on December 1st, with the pilots now being self-employed. Best wishes to them.

Currently only 142 active pilots have requested the log in for UKMPA web site. All important documents, circulars, incident reports are available there.

*Joe Wilson, Chairman*

## 18th IMPA Congress Havana, 20-24 Nov 2006

### Report and Comment – Don Cockrill

*Some 247 delegates from 42 nations attended this year's congress superbly hosted, organised and managed by the Cuban pilots despite the ever apparent limited resources available to them. The only disappointment was the weather!*

Papers and presentations from the proceedings are available on the UKMPA web site and so I shall not elaborate on them here other than to draw your attention to the addresses presented by Kees Polderman, chairman of the Navigation sub-committee at the IMO who expressed some very revealing personal views on pilotage and pilots along with a scathingly critical address by Nick Cooper, Nautical Institute President on some clearly unacceptable bad practices experienced by ship masters of pilots. Nick made some good points which unfortunately were overshadowed by the poorly crafted paper they were contained within. If you can sort the points out from the subjective rhetoric the paper is food for thought.

John Pearn and I were the only two UK delegates. There were no UK observers. This out of a membership of 488. Tahiti sent one of their 4 pilots and Senegal 2 of their 14! Canada had I believe 55 whilst Australia 10. Spain managed half a dozen

and many of the other nations with a smaller national membership than ours managed a respectable attendance.

Why is it that we are not able to present a cohesive attendance at such fora be they national or international events? The cost is significant but in reality it is not prohibitive. Especially if the stay is extended to include a short holiday. I was privileged to have been sponsored by UKMPA members but as a result of this experience, I for one would not balk at considering having to partially or even totally finance my future attendance at other congresses. Understanding of course that the level of daily participation versus socialising may be directly related to the amount of personal expense incurred.

Perhaps we should consider some other way of assisting with financing attendance so that we do not have to continue to be regarded as one of the lesser nations on the international pilotage stage rather than one of the world leaders, which in reality we still are. The former is regrettably how we are perceived by others as a result of our lacklustre attendance at this congress and I suspect other international events. To put it bluntly, the UKMPA as an association was I feel, embarrassed at Havana by our minimal presence there. The financial issue may well be directly related to the limited funds available as a result of our somewhat low subscription rate, it needs to be properly addressed.

The elections for the presidency and other vice presidential positions were somewhat overshadowed by what can only

be regarded as pure political manoeuvrings by certain parties. In the final event, Mike Watson USA was elected President with Otavio Fragoso of Brazil as Senior Vice President. The other VP's elected were Rodolpho Striga of France, Cahit Istikbal of Turkey and somewhat remarkably the South Korean and Spanish nominees whose names I most apologetically do not have to hand. My bid was - perhaps not unsurprisingly being a new face on the block - unsuccessful but I will try again in 2008. In any event my IMO and IMPA brief for UKMPA will remain unaltered.

UKMPA will host the 2012 IMPA congress in London. 2008 is in Bangkok with 2010 in Eastern Australia.

### REMEMBER

*It is in your interest, if involved in any accident or injury, however trivial it may seem at the time, to inform:*

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## The Arrival of the Emma

In 2004 the Danish container ship operator Maersk Line, announced its intention to introduce a new class of vessel of approximately 14,500 TEU. To draw up a series of measures to ensure that the port was prepared for the arrival of these vessels, and that pilots were appropriately trained to undertake the pilotage of these vessels (Special Category Ship Pilots), as well as the introduction of a series of ship simulations and tug operations, the CHA and the pilots. Maersk did not provide any guidance or contribute towards the cost which in view of the considerable

The initial ship simulations were conducted with very limited information. Dr Ian MacCullum of HR Wallingford prepared a set of "pseudo data" based on the known characteristics of the ship. Quite simply this amounted to, L x B x draft and an assumed Cb of around 0.70, with the added complication that a decision on the final width of the vessel, had not been made. This simulation concentrated mainly on the proposed Felixstowe South berths with only two runs to the existing Trinity Terminal 7 berth. The simulation was valuable in that it gave the participating pilots a "feel" for the different handling characteristics of this type of vessel but did not give an indication of the likely parameters for Trinity Terminal 7. A significant recommendation arising from the simulation was that the tug fleet needed to be upgraded to at least 3 x 60t and 1 x 40t tugs and ideally with 4 x 60t tugs from the existing fleet of 2 x 60t and 2 x 40t.

Previous arrivals of "new class" vessels had presented opportunities to join the vessel at her previous European port of call in order to familiarise the pilot with the vessel before arriving at Felixstowe. As *Emma Maersk* was on the Asian service, Felixstowe was a port of call direct from the Far East on the inward leg and since no call was made on the outward leg this posed a problem. When *Emma Maersk* was nearing completion attempts were made to obtain greater detail about the ships handling characteristics. It became imperative that an attempt be made to gather more information. Accordingly my colleague Ian Simpson made arrangements with the Rotterdam Pilots, with the approval of Maersk Line, to board the vessel at Rotterdam for the inward passage and to also witness the departure.

During this visit Ian was able to make a series of observations and record data which was passed on to Dr Ian MacCullum of HR Wallingford. This data included figures for the length of the parallel mid body, which was just over 30% of the vessels overall length. With this additional data Dr MacCullum was able to refine the data used for the 2004 simulation and create an updated ship model. This ship model was used in a two day ship simulation at HR Wallingford which was attended by the pilots who were to participate in the pilotage of the initial call as well as the two tug masters who would command the two tugs to be employed. The simulation was deemed to be successful giving all participants the confidence to handle the vessel as well as refining the arrangements required for the



deployment of the tugs. From the information received about the limited parallel mid-body it was clear that any tug attachment would have to be at bow and stern, and arrangements were made to undertake training for tug masters to achieve bow to bow pick up at 5 knots, this had not been a manoeuvre that had been undertaken previously with ASD tugs.

During the period of some 18+ years which Maersk Line vessels have called at Felixstowe we have seen a steady increase in vessel size, in some cases incremental, in other cases dramatic. From the Panamax M Class vessels introduced in 1985 to the E Class vessels of today there has been a steady increase in ship size and displacement which the following table illustrates;

Vessel	Year Built	Length (m)	Beam (m)	Displacement	TEU
M Class	1985	295	32.30	86000	4500
K Class	1993	318	42.80	118000	
S & C Class	1995	347	42.80	129000	8500
A Class	2001	352	42.80	131000	
G Class	2005	367	42.80	137000	10000
E Class	2006	397	56.40	208000	14500



## Emma Maersk at Felixstowe

approximately 400m in length which it was intended would call at the Port of Felixstowe. This prompted Harwich Haven Authority appropriately trained to handle this much larger vessel. Amongst these measures was the creation of a special category of pilots to be undertaken at the premises of HR Wallingford. It is interesting to note that this training initiative was taken by Harwich press interest in the vessel's arrival is somewhat surprising!

Thus in 20 years, length had increased by approximately 30%, beam by 75% and displacement by 250%, a significant increase. The "windage" in the full load condition amounts to 14500m<sup>2</sup> equating to a wind force of approximately 278 tonnes in 35 knot beam winds, this means that these new vessels are going to be a significant challenge. With thrusters fore and aft developing 50 tonnes each (100 tonnes total) this means that 3 x 60 tonne tugs would be barely adequate to control the ship, and that a combination of 3 x 60 and 1 x 40 would give a margin for control of around 40 tonnes. It was this information that drove the recommendation for the minimum tug fleet. A few months prior to the first call the first of a new series of tugs were introduced, developing 70 tonnes bollard pull, thus allowing for the replacement of one of the 40 tonne tugs. A second 70t tug is scheduled to be introduced by mid 2007.

Emma Maersk arrived at the pilot station 5 miles to the east of the Sunk LV at 1430 UTC on 04 November 2006 and was boarded by Pilots A C Adams (Charge), R Graham (Second pilot) and S Davey (Observer). It was agreed with the Master that there was time to conduct one full turning circle trial in order to validate the mathematical model at HR Wallingford. Trials were completed at 1510 and the vessel then commenced her inward passage to Felixstowe. Mindful that we were approaching low water and that the vessel had a draft of 12.5m and channel depth was 14.5m, speed was kept at "half ahead" giving a nominal speed through the water of 12kts. With full helm and half ahead the rate of turn at the S Shipwash was observed to be 16° per minute

Transit of the outer channel was uneventful. When the ship entered the Harwich Channel speed was reduced progressively from 5/6 buoys with the intention of having a speed of 7-8 knots by the time the vessel was at the Platters buoy. The first tug, the escort fitted *Adsteam Shotley*, was made fast in the aft centre lead prior to the Platters Buoy. Some initial difficulty was experienced in negotiating the 90° turn into the harbour but this was overcome by the use of the *Shotley* operating in the indirect mode. The successful deployment of *Shotley* in this manner was the direct result of planning and consultation between tug masters and pilots both prior to and during the simulation period.

When inside the harbour problems were experienced in attaching

### PILOT CARD

Ship's name: **EMMA MAERSK** Call sign: **OYGR2**  
 Bulbous Bow IMO No. 9321483  
 Draught forward: **15.50 m** Draught aft: **15.50 m**  
**Port anchor:** 14 shackles **Starboard anchor:** 14 shackles  
**Length o.a.:** 397.71 m **Breadth:** 56.55 m **Moulded Depth** 30.20

TONNAGE		
	INTERNATIONAL	SUEZ
<b>GROSS TONNAGE:</b>	170,794	
<b>NET TONNAGE:</b>	55,396	
<b>DEADWEIGHT:</b>	156,907	

**Stern Thruster:** 5000 BHP (2 x 1750Kw) 2 x 25 tons  
**Bow Thruster:** 5000 BHP (2 x 1750Kw) 2 x 25 tons  
 Air Draught

#### PROPULSION

**Main Engine: Wartsila/Sulzer 14RT - 96C FLEX, 80080Kw 108,876 bhp(MCR) @ 102rpm**

Maneuvering Engine Order	Rpm	Speed in knots	
		Loaded	Ballast
Full Ahead	65	16.60	16.90
Half Ahead	50	12.80	13.00
Slow Ahead	35	9.00	9.10
Dead Slow Ahead	25	6.40	6.50
Stop	0	0.00	0.00
Dead Slow Astern	25		
Slow Astern	35		
Half Astern	50		
Full Astern	65		
		Max no. of consecutive starts:	12
		Minimum RPM:	25
		No critical engine RPM	-

One 6 bladed right handed propeller.

<b>Windage</b>	13m	13486m <sup>2</sup>
	14m	13086m <sup>2</sup>
	15m	12686m <sup>2</sup>
	15.5	12486m <sup>2</sup>

During arrival/departure, gantry cranes must be positioned outside exposed areas, i.e. fwd or aft of the nominated berth, or if this is not possible - where the cranes are less exposed.

the forward tug. This was due to an inability to pass the heaving line first time due to the high bow height and meant that the tug was a long time under the bow of the ship and had to come in for a second attempt which was a far from ideal situation. This difficulty occurred despite the crew having been briefed about the necessity of using a

weighted line. Quite clearly this is an issue which will have to be addressed.

When approaching the swinging ground speed was progressively reduced by use of the after tug in the "astern" mode. Speed was down to 2.5kts before the engine was used to stop the vessel, this is some 2kts lower than is the case with existing vessels. The rate of turn during the swing was 15 degrees which compares with the 13 degrees achieved in simulation. The vessel was turned with aid of tugs and thrusters before making a sternboard to the berth at No.6. The ships sternway was controlled by the forward tug such that there was very little requirement for an ahead engine movement. When the vessel was parallel to the berth at about 120m the thrusters were employed to bring her to her berth with tugs supplying fore and aft movements as necessary to avoid the use of main engine. There appeared to be no significant problems, but the speed was much lower than is the case for earlier vessels. The vessel was successfully berthed at 1810. Concern that the ship would take a long time to secure (typically 40 minutes based on observations made in Rotterdam) due to low manning levels (3 men each end including an officer), proved unjustified, the mooring operation taking about 25 minutes. This increase in performance from that observed by Ian Simpson is almost certainly due to practice and experience gained whilst the vessel was in the Far East

The very small amount of parallel mid-body means that when the vessel is berthed, very little of the ship is resting on the fenders. At Felixstowe this means that only four or five fenders are bearing the weight of the vessel. We are assured that this is not a problem from an engineering point of view. In other ports the fender spacing is even wider than that at Felixstowe leading to problems with the vessel "pivoting" on the fenders. Another problem with the limited parallel mid-body and the fine hull form (Cb 0.62) is that a relatively small offset from parallel means that the bow or stern can overhang the quay bringing the vessel into close proximity with the cranes. It is therefore essential that the vessel be brought alongside absolutely parallel. As a risk mitigation measure we have requested that cranes are parked beyond the ends of the vessel in her final berthed position. The ships bridge projects above the crane booms by several meters and this means that the bridge wing is close to the hinges of the boom (1.7m) again care has to be taken when moving cranes past the vessel.

Forward vision due to the high bridge structure and midships placement is excellent and one is not aware of the size of the vessel when looking forward. It is only when looking astern that you realise that there is as much behind as there is in front. The vessels acceleration and deceleration is slower than for existing vessels, a fact which was indicated during simulation.

This vessel is a significant step change from any existing vessel calling at Felixstowe. Pilotage of this ship is challenging and non trivial but within the capabilities of the pilots selected for the task. The arrival and departure was conducted in relatively benign conditions, it remains to be seen how the vessel will handle with winds at the upper limit recommended by the risk assessment. We have concluded that it is essential that any pilot appointed to this class of vessel should have undertaken simulation training, it is not sufficient to have merely "tripped" with another pilot.

The vessel departed at 0500 on the 6th November, two tugs were employed, both of which were retained until successfully negotiating the Beach End turn, after which the passage was completed without incident. We await the arrival of the other vessels of the class in due course.

AC Adams  
Haven Ports pilot



Rounding Landguard Point at dusk



Shotley aiding the turn using indirect towing

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## BELFAST SELF-EMPLOYMENT

Most UKMPA conference attendees will know that the situation in Belfast has been somewhat turbulent over the past three or four years. However on the 1st of December 2006 the guns went quiet and in partnership with the Belfast Harbour Commissioners we signed contracts to outsource the pilotage to ourselves within the Belfast Lough. This was a far from predictable outcome to our struggle. Our initial thrust was for a pay and conditions review to bring us in line with the UK pilots as a whole. Our research on the matter, we believed, showed us as poor relatives to most ports of similar standing. As employees we therefore set about addressing this imbalance. We fought for two years to establish the right to have the appropriate Trade Union recognition. That was a battle in itself and requires a whole tale of its own but suffice to say we achieved this eventually. Our new union representative, Maurice Cunningham T&GWU, then set about the formal procedures to achieve our aims. I shall not go into the gory details surrounding our encounters with our employers but they were frequent and always hard fought. As things deteriorated, attitudes hardened and bit by bit our goals shifted. Eventually our focus shifted from improved employment terms towards a desire to disassociate completely from our current position as employees encased within a management structure.

It was at this low point that our colleagues from the Liverpool Pilots allowed Dave Devey and Terry Crowe,



*Dave Devey (l) and Liam Magee (r) with Belfast Port Manager and Chief Executive*

representing the UKMPA, to come over and discuss our situation. They espoused the theory of self-employment and detailed how this had been achieved in Liverpool. The financial benefits combined with the ability to work “with” the Commissioners for a mutual benefit seemed very attractive but very distant considering the current relationship. However after the first ever complete meeting of the Belfast Pilots unanimous agreement was reached to investigate the possibility of self-employment based on the Liverpool model. Immediately the mood changed at the negotiating table. Middle managers and Human Resource folk were replaced by Chief Executives and Port Managers. Industrial action and job cuts were replaced by tea, biscuits and handshakes. I cannot say we didn’t have disagreements along the way but with Maurice and Dave’s leadership our self-employment dream was achieved at the Board Room on December 1st and sealed with a bottle of Bollinger. We are six weeks into our new

contract and “touch wood” all is working well.

On behalf of the newly formed Belfast Lough Pilotage Service Ltd I would like to thank the UKMPA, in conjunction with the T&GWU, for their assistance over the past few years. To those who feel the organisation lacks purpose or is merely a talking shop I can confirm that that without their intervention our situation would have resulted in a less than satisfactory outcome for ourselves and possibly for pilotage as a whole. It was only with the vital information volunteered from our UKMPA colleagues nationwide that we were able to “compete” satisfactorily at the negotiating table and in doing so achieve a situation to the mutual benefit of all in Belfast. Sincere thanks to you all.

*Captain Liam Magee, Chairman  
Belfast Lough Pilotage Services Ltd*



*Above: Liam Magee and Dave Devey  
celebrate the new contract*

*Left: The self-employed pilots outside their new pilot house (l-r): Brian Wilson, Phil O’Brien, Graham Campbell, Dougie Rennie, Liam Magee, John Wilson, Richard O’Shea, Kevin Lindsay, Peter Gates and Marc Verhoeven (Billy Esler is unfortunately not in the photo as he was involved in a search & rescue, wearing his Coastguard hat).*

## ON RETIREMENT - DAVE DEVEY

*Liverpool Pilot David Devey retired from active pilotage on 20th December 2006 and from long and distinguished service to the UKMPA and the entire pilotage profession.*

David Devey is the archetype pilot. I am privileged to be his contemporary. Of unprepossessing appearance and blunt manner he wins few friends by his more-or-less permanently scowling visage. He has proved, however, beyond any doubt, to possess the integrity of an uncut diamond and the grace of a pure-bred swan.

His brilliance was first evidenced at the age of eleven when he won a scholarship to Birkenhead School, a high-level academic crammer which had earlier produced FE Smith – Lord Chancellor, first Earl of Birkenhead and close personal friend of WS Churchill. DD's subsequent life was not lived on quite such a glittering plane, but his contribution to the world of pilotage has been every bit as great as anybody else has ever made to broader public life.

During his apprenticeship he was hospitalised by a long period of tuberculosis and, for a while, his entire career was in doubt. Nothing daunted, however, he was licensed at Liverpool at the age of 24 in 1966. Nobody has ever doubted, from that day to this, either his competence as a navigator or his command of a bridge. He has remained first and foremost a practising pilot during a career which included, during Liverpool's dramatic decline in the 1980s, a period of several years of service in West Africa. As it is said in Liverpool (and possibly elsewhere) he carried his bag.

Shortly after his return to Liverpool, the introduction of the 1987 Pilotage Act obliged him to take a closer look at pilotage politics. He was elected a representative at Liverpool at about the same time that I retired from pilotage and had chosen to read law. It soon became clear that the introduction of the 1987 Act had been a disaster at Liverpool, where the majority of pilots had accepted the CHA's terms of employment and were obliged to accept the unfortunate consequences, apparently for all time. In a body of mature pilots, competent, independent and generally blameless, the loss of their former independence as self-employed men was a matter which DD and others sought to redress. He was elected to the UKMPA Section Committee at about the same time. In 1993 DD and the late Bobby Moses asked me if in my view the Act would allow employed pilots to revert to self-employment by choice. I said that it appeared to do so. DD took further advice from several other lawyers. All confirmed the same view. By 1997, through argument, persistence, integrity and professional pride DD had led the pilots of Liverpool out of their hated employment and back into a position where once again, through the creation of a formal co-operative and scrupulous invigilation of pilotage accounts, self-respect was restored and they re-emerged as the independent professionals and principals which the House of Lords has held throughout history that they should be. It was as though they had come out of jail. To have procured such complete, obvious and paramount success out of circumstances of unmitigated disaster is an achievement which few other pilot-politicians (if any) have ever made.

Selfishness is a word which is unknown to DD. Through his service on the UKMPA Section Committee he was only too well aware of the depression and dissatisfaction which afflict the pilots of other ports where direct employment by the CHA exists. Through his success at Liverpool he was after many years able to demonstrate to the pilots of Belfast that, provided only that they had the stomach for a fight if necessary, they too could revert to the privileges of self-employment and shed the unnecessary yoke of employment. Belfast responded. They were (as if anybody ever needed to ask a Belfast man) game for a fight. On 1st December 2006, the pilots of Belfast reverted to self-employment. Three weeks later, on 20th December, a delegation attended DD's retirement party at Neston Cricket Club, near Liverpool. The



*Above: Dave Devey receiving a retirement gift of an electric golfing trolley from Joe Wilson at 2006 Conference*

*Below: Joe Wilson presents DD with a new copy of the 1987 Pilotage Act to read in retirement!*



gratitude which they expressed to DD (to say nothing of the smiles on their faces!) was, beyond any question, the most heart-warming scene I have ever witnessed during a lifetime in the world of pilotage.

Similarly, the members of Humber Pilots Ltd have had no more doughty advocate; and nor could they have wished for one. He alone has maintained the legal battle. After the collapse of the HPL Employment Appeal Case, it was DD alone who sought further legal advice, enquiring whether there might, perhaps, be a stone which is yet unturned? DD is the first to recognise that a vast amount of work remains to be done to protect and promote the interests of the pilotage world. He would be the last man to pretend that his work is complete. It remains to be continued by those of us who remain in harness.

DD, I salute you and I thank you.

*Barrie Youde*

## Pilot's Licence Suspended following Damage to LNG Facility

*Although this incident occurred in the USA I felt that it was timely to include it in our magazine because it is probable that legal judgements from the US would be used in similar cases in the UK. In this case the pilot was found guilty of navigating at excessive speed past an LNG terminal and it therefore serves as a cautionary lesson over the potential consequences of proceeding at excessive speed. In view of the fact that the Coast Guard, who brought the prosecution, had sought to have the pilot's licence revoked, the case also serves to underline the importance for pilots to have comprehensive legal representation through professional insurance!*

*The following account has been compiled from several different press reports into the case.*

A judge has suspended a Pilot's licence for eight months, with additional 12 month probation, after ruling that the Coast Guard proved its case of negligence and misconduct against him. The judge's decision stemmed from an incident on the Savannah River where the tanker *Charleston* passed the LNG facility on Elba Island at a speed in excess of 14 knots during a transfer from the *Golar Freeze*. The surge resulting from the vessel's speed caused an emergency dock shutdown, cargo hose separations, the collapse of a gangway, and mooring lines to part. All emergency equipment at the LNG facility functioned as designed and no LNG was released as a result of the damage. Following a comprehensive investigation the Coast Guard responsible for policing the waterway, pursued action against the pilot's licence due to concern that his negligence posed a hazard to navigation and they asked the judge to come down hard on the pilot by revoking his licence. The pilot's attorney asked the judge to sentence his client to 24 month' probation, arguing that his client was trying to get the tanker to a point where the ship could safely pass by a dredge that was working a dangerous curve in the river and therefore revocation of the pilot's licence seemed extreme.

It was pointed out by the pilot that the tugs tending the *Golar Freeze* were not in the proper position for a vessel discharging LNG. The pilot also said the docking pilot on watch on the bridge of the *Golar Freeze* was asleep and not monitoring the *Charleston's* progress upriver.

If that is true, these are big problems. The pilot said he sent out four security alerts announcing his presence on the river. Federal regulations, as well as local rule from the Coast Guard's Captain of the Port, require the LNG tanker bridge watch to monitor vessels passing the terminal. What good are federal regulations that require monitoring of other ships in the river if someone is snoozing? What good are radio alerts if no one is awake to hear them?

The pilot must accept responsibility for his actions but so should any person who might have been sleeping. Indeed a simple radio call to the pilot, urging him to slow down, or a call to the two tractor tugs, telling them to hold the *Golar Freeze* in place, might have prevented this mishap.

A Coast Guard investigator argued that the only issue under consideration was whether the pilot failed to act as a prudent mariner. In other words, did he observe safe speed as he passed the LNG terminal? It's clear that he didn't and the judge issued a formal warning to pilots who drive ships up and down the busy Savannah River – travel at safe speeds, or else! The Coast Guard also determined that the Captain of the *Charleston* was negligent in his role and he was issued with a warning letter.

Speed may translate into additional dollars for shippers, which helps port growth. But the Coast Guard has a higher priority. It must not let profits compromise safety.

JCB

## Pilots Required in Paris?

Whilst on holiday in Paris last Autumn I was casually strolling along the banks of the Seine when my eye was drawn to a large houseboat with a couple of top range SAAB cars parked alongside displaying the words "Pilots Wanted". Dreaming of a career change to piloting "bateaux mouches" on the Seine I approached with enthusiasm. Alas, it was not to be. The French of course refer to the driver of a car as the pilot and this was just an advertising campaign by SAAB for people to test drive their latest range of cars. Whilst I am quite at home transforming into a Parisian driver in my own car I felt that I might be tempting fate taking a showroom fresh SAAB out onto the Boulevard Peripherique! However I did get chatting to the sales rep and explained my interest in pilotage and consequently enjoyed a corporate glass of champagne so overall it was a good result even if I didn't find out anything about piloting on the Seine!

JCB



## THE LAW OF TIME AND TIDE

You can take a horse to water but you cannot make him drink.  
You can show a fool a theorem but you cannot make him think.  
Nobody is so blind as he who does not wish to see;  
And all the world is queer, my love, except for thee and me.

And even thee's a little queer, a little of the time:  
Not one of us is perfect: true forgiveness is sublime.  
These things are God's humanity in which man may decide:  
But in the wider, greater world, man cannot rule the Tide.

Tidal power is overwhelming in the Great Eternal Plan,  
Colluding with the lunar clock, it will not wait for man.  
Occasion carries all before it, gracefully or not,  
Depending whether man has timed it, properly or not.

Observe! The tide is on the rise. Where do you want to go?  
A place of safety on the ebb might not be, on the flow.  
Arrive too soon: Disaster strikes: Arrival in a heap.  
Catastrophe upon the Spring: Much damage on the Neap.

Conversely, then, upon the ebb, you might arrive too late,  
And find your floatability is vanishing in spate.  
Observe! Observe! And get it right, this is the golden rule,  
For time and tide can make of man an utter, hopeless fool.

So get it right, the timing right, this is the priceless art!  
If you can learn this lesson then you'll set yourself apart,  
And win the hand of Lady Luck in rhapsody tonight -  
If you can simply learn to get the vital timing right!

Barrie Youde

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