

DUBLIN PORT COMPANY

PILOTAGE BYE-LAWS

15th December 2020

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PILOTAGE BYE-LAWS

Dublin Port Company, in exercise of the powers conferred on it by Section 71 of the Harbours Acts 1996 (as amended) hereby makes these Pilotage Bye-Laws. These Bye-Laws issued on the 15th December 2020 will only come into force upon the commencement of the relevant Part of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 and the amendments to the Harbours Act therein. Notice will be provided to stakeholders when /if this occurs.

1. Interpretation

- 1) In these Bye-Laws:
 - a) “the Act” means the Harbours Acts 1996 (as amended);
 - b) “Certificated Officer” means a person who in respect of a ship holds a Pilotage Exemption Certificate applicable thereto;
 - c) “the Collision Regulations” means the International Regulations for Preventing Collisions at Sea, 1972; with any subsequent amendments, additions or deletions;
 - d) “the Company” means Dublin Port Company (Registered in Ireland with Limited Liability, Certificate Number 262367);
 - e) “Exempted Ships” means the ships described in Bye-Law 2 (2) but excluding the ships described in Bye-Law 2 (3);
 - f) Gross Tonnage means Gross Tonnage as defined in the Oslo Agreement 1969;
 - g) “Harbour Master” means the Harbour Master of the Company and includes persons authorised pursuant to Section 37 (1)(b) of the Act;
 - h) “Length” means the length overall of a ship;
 - i) “Notices to Mariners” means Notices to Mariners issued from time to time by the Company, Dun Laoghaire Harbour (as part of Dun Laoghaire Rathdown County Council), the Department of Transport, Tourism and Sport; and the Commissioners of Irish Lights;
 - j) “Passenger Certificate” means a certificate issued by a competent authority allowing the ship to carry in excess of 12 passengers;
 - k) “Pilot” means a person employed as a pilot by the Company pursuant to section 56 (1)(a) of the Act and to whom a warrant has been issued by the Company;
 - l) “Pilot Bond” the Pilot Bond, as provided in the form set out in the Second Schedule and is hereby prescribed as being the form of bond referred to in Section 70(1) of the Harbours Act 1996 and as amended by Section 14 of the Harbours (Amendment) Act 2009;
 - m) “Pilotage District” means the pilotage district as defined in section 57 and Part II of the Third Schedule to the Act;
 - n) “Pilotage Exemption Certificate” means a pilotage exemption certificate issued pursuant to Bye-Law 4;
 - o) “Pilotage Exemption Certificate (Restricted)” means a Pilotage Exemption Certificate (Restricted) issued pursuant to Bye- Law 4 of these Bye- Laws, which is valid for ships only departing from the Port of Dublin and not greater than 135 metres length overall;
 - p) “Port” means all ports and harbours within the pilotage district from time to time;

- q) "Port Bye-Laws" means all the bye-laws for the time being in operation in relation to the Port;
 - r) "Tonnage Certificate" means an International Tonnage Certificate issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969;
 - s) "Valid Bridge Resource /Team Management / HELM Certificate" means a bridge resource / team management certificate or Human Element Leadership and Management (HELM) certificate or similar simulator work involving resource and emergency management as deemed suitable by the Harbour Master;
 - t) VTS "Vessel Traffic Services" is the Port traffic control station that organises and controls all vessel movements within the jurisdiction of Dublin Port Company. All directions from VTS will be presumed to come from the Harbour Master unless the contrary is stated;
 - u) "Warrant" means a warrant issued by the Company to a Pilot pursuant to section 58 (6) of the Act.
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- 1) Unless the contrary intention appears, words and expressions contained in these Bye-Laws shall bear the same meaning as in the Act.
 - 2) In these Bye-Laws every word importing the singular shall, unless the contrary intention appears, be construed as if it also imported the plural, and every word importing the plural shall, unless the contrary intention appears, be construed as if it also imported the singular.
 - 3) In these Bye-Laws every word importing the masculine gender shall, unless the contrary intention appears, be construed as if it also imported the feminine gender and any word importing the feminine gender shall, unless the contrary intention appears, be construed as if it also imported the masculine gender.
 - 4) Any reference in these Bye-Laws to, or to any provision of, any enactment, regulations, convention, maritime agreement or any other bye-laws shall be construed, unless the context otherwise requires, as a reference to such enactment, regulation, convention, maritime agreement, bye-laws or such provision thereof as amended, re-enacted or replaced, whether before or after the commencement of these bye-laws, by any other subsequent enactment, regulation, convention, maritime agreement or bye-laws.

2. Compulsory Pilotage and Exempted Ships

- 1) Pilotage shall be compulsory for every ship (other than an exempted ship) while navigating in the pilotage district for the purpose of entering, leaving or making use of any part of the pilotage district, and every ship (other than an exempted ship) while navigating in the pilotage district for such purpose shall be either:
 - a) under the pilotage of a Pilot, or
 - b) under the pilotage of the master or a certificated officer who holds a current Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) in respect of that ship.

- 2) The following classes of ships shall (subject to Bye-Law 2(3)), be exempted ships:
 - a) ships owned by the State;
 - b) pleasure craft and sail training ships when engaged in sail training;
 - c) fishing vessels not more than 70 metres in length;
 - d) ships of not more than 70 metres in length;
 - e) ships of not more than 95 metres in length on departing to sea subject to the prior approval of the Harbour Master;
 - f) ships the property of or engaged by the Commissioners of Irish Lights while engaged in carrying out their duties for the care and maintenance of lighthouses in the State;
 - g) ships the property of or engaged by the Company;
 - h) ships which are moving from one berth within the Port to another berth within the Port but subject to the prior approval of the Harbour Master;
 - i) tugs, dredgers, hoppers, barges and other similar ships subject to the prior approval of the Harbour Master; and
 - j) ships navigating within the pilotage district but outside the seaward limit of the fairway or Dun Laoghaire Harbour, subject to the prior approval of the Harbour Master.

- 3) Notwithstanding Bye-Law 2 (2) the following shall not be exempted ships:
 - a) ships over 24 metres in length with a passenger certificate; and
 - b) ships carrying hazardous cargoes in bulk i.e: in tanks which are an integral part of the ship's structure or such ships which are not gas free.

- 4) The Harbour Master may, in his absolute discretion limit or temporarily suspend Bye-Law 2(1) or 2(2) in whole or in part from time to time, and furthermore may in his absolute discretion require any exempted ship whilst entering, leaving or making use of the pilotage district to be under the pilotage of a pilot or master / certificated officer who holds a current pilotage exemption certificate or pilotage exemption certificate (restricted) in respect of that ship.

- 5) Such ships as are included in sub-paragraph 2 (e), i.e. more than 70 metres but no more than 95 metres and those ships departing with a pilot exemption certificate (restricted) holder on board shall be liable for pilotage dues at 25% of the appropriate rate.

3. Pilot Carry Away

When a pilot is carried away outside the pilotage district, the ship owner or his representative shall ensure that the Pilot is returned without delay by the most expeditious means

4. Pilot Exemption Certificates

Every applicant for a pilotage exemption certificate or a pilotage exemption certificate (restricted) must comply with the conditions laid down in section 72 of the Act, 1996 as amended by Section 46 of the **Harbours (Amendment) Act 2020**. Additionally:

- 1) An applicant for a Pilotage Exemption Certificate or a Pilotage Exemption Certificate (Restricted) shall produce:
 - a) A written statement of sobriety and good conduct from his employer and, if required by the Harbour Master, from all other employers for whom the applicant has served during the twelve months prior to his application.
 - b) A Bridge Resource / Team Management / HELM certificate.
 - c) Verification from his/her employer that the applicant has completed a period of familiarisation and training onboard the vessel sufficient to act as the bona fide person in charge of that vessel and during this time he/she has satisfactorily demonstrated that he has become fully familiar with the vessel and its handling characteristics; and, is competent with manoeuvring it. Such verification shall include the documented evidence from the vessels safety management system.
- 2) An applicant for a Pilotage Exemption Certificate or a Pilotage Exemption Certificate (Restricted) shall not be examined for or granted a Pilotage Exemption Certificate or a Pilotage Exemption Certificate (Restricted) unless he/she has, within the 12 months prior to application, made at least eight voyages into and eight voyages out of the Pilotage District, as a person bona fide acting in charge of that ship. Two voyages in and two voyages out must be carried out during the hours of darkness.
- 3) Every candidate for a Pilot Exemption Certificate must be present on the navigating bridge of the vessel for the duration of all the voyages within the pilotage area that he/she is claiming as qualifying voyages. He/she must also have had effective responsibility for the conduct of the vessel during that voyage albeit under the supervision of a Pilot or Pilot Exemption Certificate holder.
- 4) Every candidate for a Pilot Exemption Certificate or Pilotage Exemption Certificate (Restricted) must record the details of each qualifying voyage in the "Record of Qualifying Voyages" form, as supplied by Dublin Port Company. These details must be signed by the applicant and countersigned by the Pilot or Pilot Exemption Certificate holder present during that qualifying voyage.
- 5) Every applicant for a Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) if meeting the application requirements will be examined in consideration for a Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) for that vessel for which he/she has completed the qualifying trips. Additional vessels of substantially the same class, draft of water and belonging to the same owner may be considered in circumstances where the person to whom it is granted is bona fide acting as the person in charge of any such ship and meets the requirements of 1) c) of this Bye-Law 4.
- 6) Candidates for a Pilot Exemption Certificate or a Pilot Exemption Certificate (Restricted) must attend for examination in accordance with a published schedule issued annually by the Harbour Master via a Notice to Mariners and updated from time to time, or as arranged.
- 7) Every applicant for a Pilotage Exemption Certificate must present him/herself for an examination before the Harbour Master or a person nominated by the Harbour Master and give a correct and seamanlike description of the channels, fairways, harbours, docks, wharves and piers of the Pilotage District, the rise and set of the tides, the depths and character of soundings, the anchorages, the distances and courses between any two places, the banks, rocks, shoals and other dangers, and the land marks, beacons, perches, buoys and lights within or in any manner connected with the Pilotage District. He/she must also satisfy the Harbour Master and the other

examiners (if any) that he/she has a competent knowledge of the management and behaviour of all classes of ships, mooring, unmooring and getting underway, as well as situations of close quarters, restricted and hampered vessel movements. He/she must also have a competent knowledge of the Collision Regulations, all relevant bye-laws in force within the Pilotage District, the regulations of the Port, Notices to Mariners, port operational knowledge, including VHF and VTS procedures and knowledge of the use of tugs.

- 8) Every applicant for a Pilotage Exemption Certificate (Restricted) must present him/herself for examination before the Harbour Master or a person appointed by the Harbour Master and give a correct and seamanlike description of the channel, the rise and set of the tides, the depths, the banks, rocks, shoals and other dangers and the land marks, beacons, perches, buoys and lights connected therewith. He/she must also satisfy the Harbour Master or a person appointed by the Harbour Master that he/she has a competent knowledge of the management and behaviour of his ship when unmooring and getting underway, as well as situations of close quarters, restricted and hampered vessel movement. He/she must also have a competent knowledge of the Collision Regulations, all relevant bye-laws in force within the Pilotage District, the regulations of the Port, Notices to Mariners, port operational knowledge including VHF and VTS procedures and knowledge of the use of tugs.
- 9) On successful completion of the theory exam for a Pilot Exemption Certificate the candidate will be assessed regarding his/her conduct and manoeuvring of the vessel by means of a Check Ride conducted by the Harbour Master, Deputy /Assistant Harbour Master or Dublin Port Pilot. The check ride shall preferably be inward bound during the hours of darkness as the circumstances of the case permit. During the check ride the candidate will be required to hold the conduct of the vessel and manoeuvre the vessel to its assigned berth. Additional check rides may be required if additional vessels have been considered during the theory examination.
- 10) A Pilot Exemption Certificate or Pilot Exemption Certificate (Restricted) may be issued with limitations with regard to environmental conditions, vessel size, manning, manoeuvring capability; the use of tugs, simulators, or other aids, or any other factor as deemed appropriate by the Harbour Master. Where a Pilot Exemption Certificate has been issued with limitations the Pilot Exemption Certificate holder will be issued with such limitations by the Harbour Master. The issuing and review of any such limitations will be dealt with on a case by case basis by the Harbour Master.

5. Pilotage Exemption Certificate Fees

Every person applying for examination for a Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) shall pay the fee stipulated in the Company's schedule of pilotage charges. Upon the issue, renewal or amendment of a Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted), fees as per the Company's schedule of pilotage charges shall be paid to the Company by or on behalf of the person to whom the Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) is issued.

6. Pilotage Exemption Certificate Form

A Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) will be held in electronic form by the Harbour Master's office.

7. Pilotage Exemption Certificate Renewal and Annual Review

A: Pilotage Exemption Certificate Renewal

- 1) Pilotage Exemption Certificates or Pilotage Exemption Certificate (Restricted) shall have an expiry date up to 3 years from the date of issue. Certificates of 1 year, 2 year or other period up to a maximum of 3 years may be issued by the Harbour Master without prejudice.
- 2) A Pilot Exemption Certificate or Pilotage Exemption Certificate (Restricted) shall be renewed on the date of the anniversary of issuance of the certificate, as described in Section 7,A,1) or at any time prior to the expiration of the pilotage exemption certificate when deemed appropriate by the Harbour Master.
- 3) The renewal of a Pilot Exemption Certificate or Pilotage Exemption Certificate (Restricted) is contingent on the holder of the certificate having completed each of the annual reviews within the term of the certificate including that time within the final twelve months ending 15th December.
- 4) Where a Pilot Exemption Certificate or Pilotage Exemption Certificate (Restricted) holder has completed their exam in the preceding year that holder must have completed the required eight voyages inbound and eight voyages outbound on a pro-rata basis before the 15th December. A certified officer, who has qualified for a PEC on or after the 15th September in the year the renewal is applied for, will be exempted from the requirement to complete the pro-rata amount of eight voyages into and eight voyages out of the pilotage district during that year provided the holder has completed eight such voyages into and out of the pilotage district during the preceding 12 months.
- 5) Every Pilot Exemption Certificate holder (including Restricted) must make at least one visit per PEC year to the Dublin Port Operations Centre to view the latest hydro-graphic soundings for the Pilotage district. Hydro-graphic soundings will be promulgated electronically from time to time.
- 6) The Harbour Master will maintain an electronic record of voyages performed by Pilot Exemption Certificate holders per year. Whilst Pilot Exemption Certificate holders are not required to submit returns of voyages performed it is the responsibility of the Pilot Exemption Certificate holder to achieve and monitor the number of trips performed. It is be the responsibility of the PEC holder to declare the trips that have been carried out in the hours of darkness.
- 7) PEC holders will keep the harbour office updated with new copies of CoCs, CeCs, medical certificates and Bridge Team Management certificates.
- 8) Submission of renewal documentation other than voyage returns will be in a manner prescribed by the Harbour Master. Failure to achieve the prescribed voyages or failure to submit requested documentation by the 15th December may result in the non-renewal of the Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted). In such an instance full re-examination may be required.

B: Annual review

- 9) Notwithstanding any certificate having an expiry date of up to 3 years the Harbour Master will conduct an annual review of each certificated holder on 15th December each year.
- 10) The annual review will require:
 - a. Each certificated officer to have completed eight voyages into and eight voyages out of the Pilotage District in the preceding twelve months ending 15th December.

- b. A newly certificated officer subject to his/her first annual review must have completed the required eight voyages inbound and eight voyages outbound on a pro-rata basis before the 15th December. The certificate holder should confirm the number of voyages required on completion of the examination or at any time thereafter by contacting the office of the Harbour Master.
- c. Each certificated officer is to have made at least one visit during the year to the Port Operations Centre to view the latest hydro-graphic soundings and sign acknowledgement of same in the logbook. Hydro-graphic soundings may be promulgated electronically from time to time.
- d. Additionally the Harbour Master may require a checkride to be performed with the certificated officer.

8. Pilot Exemption Certificate - Additional Vessels

Application may be made for additional vessels to be listed on the Pilotage Exemption Certificate of a PEC holder. Such ships may be considered if:

- 1) A vessel is substantially the same class, draft of water, tonnage and belonging to the same owner.
- 2) A vessel that is chartered and the PEC holder applying is capable of being the bona fide person acting as the person in charge of that ship provided that the PEC holder can produce verification from his /her employer that he/she is familiar with the systems and procedures for the vessel which he/she is applying. Such familiarisation shall be in accordance with Bye Law 4, 1) c) of these bye laws.

9. Lawful Orders

Every Certificated Officer shall observe and act in accordance with the Act and these Bye-Laws and shall obey all lawful orders given by the Harbour Master and shall observe and act in accordance with all Notices to Mariners and all Bye-Laws of the Port.

10. Attendance to Harbour Master

Every Certificated Officer shall, upon being required to do so by a notice signed by the Harbour Master, attend before the Harbour Master or a board of enquiry to answer any complaint or charge that may be made against him.

11. Reporting an Incident or Damage

If any accident or damage happens to or is caused by or involves a ship in the charge of a Certificated Officer, the Certificated Officer shall without delay, report the facts in writing to the Harbour Master.

12. Reporting to VTS

- 1) A Certificated Officer in charge of a ship shall report his certificate number to "VTS" before he/she enters, leaves or navigates within the Pilotage District. Any deficiencies, which might affect the safe navigation of the ship, must be reported to "VTS" as soon as possible.

- 2) A Certificated Officer who witnesses the discharge of any oil, oily water mix or garbage into the waters of the Pilotage district, or adjacent to any berth, shall immediately report the same to "VTS" as soon as possible.
- 3) Whenever a Certificated Officer observes any alteration in any of the banks or channels, or that any of the buoys or beacons are not operating correctly, or are damaged or are out of place or observes any circumstance affecting the safety of navigation within the Pilotage District, he shall immediately advise "VTS" of the facts and as soon as practicable send a statement thereof in writing to the Harbour Master.

13. Breach of Bye-Laws

The Company may suspend, revoke, or refuse to renew the Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) of a Certificated Officer who is in breach of these Bye-Laws. The Harbour Master may, at his sole discretion, suspend a Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) whilst an investigation is being carried out by the Harbour Master, should he deem it necessary.

14. Limitation of Pilotage Exemption Certificate

A Certificated Officer may not pilot any ship within the Pilotage District other than a ship to which his /her Pilotage Exemption Certificate or Pilotage Exemption Certificate (Restricted) applies.

15. Duty of Master

- 1) The presence of a pilot or a pilot exemption certificate holder (including restricted) does not relieve the master or the officer in charge of the navigational watch from their duties and their obligations for the safety of navigation and the safety of the ship.
- 2) Before the pilotage commences the Pilot or Pilot Exemption Certificate holder, the Master and members of the bridge team are to be aware of their respective roles and responsibilities.
- 3) The role of the Pilot Exemption Certificate holder (including Restricted) while within the Pilotage District is primarily the safe navigation of the vessel. He/she should not, without valid reason, become directly involved in the steering of the ship.
- 4) The Master and the Pilot should exchange information regarding navigational procedures, local conditions and rules, and the ships characteristics using the Company's standard "Master / Pilot Exchange" form and the ships "Pilot Card". This exchange of information should be a continuous process that generally continues for the duration of the pilotage.
- 5) Under no circumstances should the Master, Pilot or Pilotage Exemption Certificate holder (including restricted) be alone on the bridge while the vessel is manoeuvring on / off the berth or while navigating within the pilotage district.
- 6) The Master must have immediately available, a qualified helmsman to take over the manual steering when it becomes necessary to change over from automatic.

16. Medical Fitness

- 1) Every pilot and pilot exemption certificate holder (including restricted) must satisfy the Harbour Master as to his medical fitness, particularly regarding eyesight, hearing and physical fitness in

that they meet the standards required for the certification of masters and officers in charge of a navigational watch under the International Convention on Standards of Training, Certification of Watchkeepers for Seafarers, 1978, as amended.

- 2) A valid Medical Certificate must be presented each year when application is made for renewal of a pilotage exemption certificate. If and when a medical certificate becomes invalid during the intervening period, the replacement medical certificate must be presented to the Harbour Master as soon as is practicable. Failure to do so, without valid reason, will result in the pilotage exemption certificate being suspended

17. Re-examination of Pilots and Pilot Exemption Holders

In order to ensure continued proficiency with the latest aids to navigation and maintain up-to-date navigational knowledge for Dublin Port, the Pilots and Pilot Exemption Certificate holders (including restricted) are required to be re-examined by the Harbour Master, Deputy Harbour Master or and Assistant Harbour Master in the requisite knowledge as specified in Section 4 of these bye-laws, at intervals not exceeding five years. This re-examination may be performed by a check ride and/or theory examination as required by the Harbour Master.

18. Pilotage Charges

The Master or Owner of a ship shall pay the pilotage charges specified in the Company's schedule of pilotage rates, which schedule may be revised from time to time.

19. General

- 1) Notwithstanding anything else contained in these Bye-Laws, a ship (other than a pleasure craft) shall not be moved or navigated within the Pilotage District without (immediately prior to the move) first obtaining permission from "VTS" to move:
 - a) into or out of or within the pilotage district;
 - b) in or across the Port fairway;
 - c) into or out of or within any dock or basin within the Port; or
 - d) from berth to berth or along a berth within the Port.
- 2) The Harbour Master may at his absolute discretion from time to time apply Bye-Law 19 (1), by notice to all or any pleasure craft.
- 3) The Bye-Laws relating to pilotage, made by Dublin Port Company being the Pilotage Authority for the Dublin Pilotage District made 1st April 2020 and all previous Pilotage Bye-Laws are hereby revoked.
- 4) These Bye-Laws have come into force upon the commencement on the 1st April 2020.

First Schedule



PILOT WARRANT

.....[NAME] is hereby warranted with effect from the] DATE]..... for a period of not more than 5 years, to discharge the duties of a pilot to all classes of ships, subject to the limitations specified overleaf, within the Pilotage District of the Dublin Port Company as provided for in the Harbours Act, 1996 as amended and the applicable Bye-Laws.

This warrant may be represented by an approved identity card from Dublin Port Company stating the name and photograph of the Class 1 / Class 2 Pilot as appropriate.

Signature of Pilot :

Given under the Seal of Dublin Port Company

Date:

Harbour Master Name:

Harbour Master signature:

LIMITATIONS

Authorised to pilot any vessel not exceeding:

Limiting Length (m)	Limiting Draft (m)	Date	Signature of Harbour Master
Not exceeding 90	Not exceeding 7.00		
Not exceeding 115	Not exceeding 7.20		
Not exceeding 140	Not exceeding 7.40		
Not exceeding 140	Not exceeding 7.80		
Not exceeding 150	Not exceeding 7.80		
Not exceeding 150	No draft restriction		
Not exceeding 170	Not exceeding 7.80		
Not exceeding 150	No draft restriction		
Not exceeding 170	No draft restriction		
Not exceeding 190	Not exceeding 7.80		
Not exceeding 220	No draft restriction		
Not exceeding 250	No draft restriction		
All Vessels	No draft restriction		

Second Schedule

PILOT BOND

POLICY HOLDER: Dublin Port Company

TYPE OF POLICY: Pilots Bond

NEXT RENEWAL DATE: March of next year

Covering the Pilots' Liability on account of neglect or wants of skill, as per the requirements of the Harbours Act, 1996 (as amended) and subsequent Bye-Laws.

Limit of Liability: €2,500.00 per pilot

Schedule of Pilots: All warranted pilots