

SAFETY OF NAVIGATION AND PILOTAGE IN CANADA

1. HISTORICAL BACKGROUND

- The 1968 Royal Commission on Pilotage in Canada (Commission Bernier)
- The Pilotage Act, 1972
- Four pilotage authorities
- The important reform of 1998: negotiation process with pilot's corporations

2. OBJECTS AND POWERS OF THE PILOTAGE AUTHORITIES

- Sections 18 to 20 of the Pilotage Act (P.A.)
- What about the environment?

3. COMPULSORY PILOTAGE AREAS AND SHIPS SUBJECT TO PILOTAGE

- Section 4 of LPA regulation
- Waiver: section 5

4. ISSUANCE OF LICENSES AND CERTIFICATES

- Section 22 P.A.
- Sections 18 to 34 of LPA regulation, for example.

5. FINANCIAL OBLIGATIONS AND TARIFFS

- Self-sustainability: section 36.01 P.A.
- Tariffs for services: section 33 to 35 P.A.

- Payment's liability: sections 42 to 44 P.A.
- Statutory right *in rem*: sections 22(2) I and 43(3) of the Federal Courts Act
- Maritime lien for pilotage dues ranking above mortgages or other statutory rights *in rem*, in Canada
 - ❖ *Ultramar Canada v. Pierson Steamships limited*, (1982) 43 CBR (NS) 9 (FC)
 - ❖ *Holt Cargo Systems inc. v. ABC Container line NV*, (2000) 185 FTR 1 (FCTD)
 - ❖ *Ostgota Enskilda Bank v. Sea Star 1* (1994) 78 FTR 304
 - ❖ *William Tetley, Maritime Liens and Claims 2nd Ed*, 1998, p. 463
 - ❖ *In the matter of a plan of compromise or arrangement of Vanguard Shipping Ltd (Great Lakes) and Vanship Ltd*, decision of January 29th, 2013 of the Ontario Superior Court confirming and approving the report of referee William Moreira concerning the claim of the LPA.

6. **LIMITATION OF LIABILITY**

- Section 40 P.A.

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BIOGRAPHY:

Mario St-Pierre holds a Master's degree in Public Law (London). As a lawyer with the firm Saint-Pierre & Major, he specializes in representing public organizations. He has been advising the Laurentian Pilotage Authority for over 20 years, initially as a member

of one of the major law firms in Montreal and, for the past eight years, as the Authority's Corporate Secretary.