
STATUTORY INSTRUMENTS

1982 No. 414

MERCHANT SHIPPING

PILOTAGE

The Belfast Pilotage Order 1982

Made - - - -	22nd March 1982
Laid before Parliament	25th March 1982
Coming into Operation	15th April 1982

The Secretary of State, on the application of the Belfast Harbour Commissioners, (being persons interested in the pilotage of the Belfast Pilotage District) and in exercise of powers conferred by section 7 of, and paragraph 7 of Schedule 1 to, the Pilotage Act 1913(a) and now vested in him (b) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, Commencement and Revocation

1.—(1) This Order may be cited as the Belfast Pilotage Order 1982, and shall come into operation on 15th April 1982.

(2) The Belfast Pilotage Order 1921(c) and the Belfast Pilotage (Amendment) Order 1940(d) are hereby revoked.

Interpretation

2. In this Order:—

“the Authority” means the Belfast Pilotage Authority as defined by Article 5 of this Order;

“the former Pilotage Authority” means the Belfast Harbour Commissioners in their capacity as the pilotage authority for the Belfast Pilotage District;

“the Port Authority” means the Belfast Harbour Commissioners, as constituted by the Belfast Harbour Acts and Orders 1847 to 1979(e);

“licensed pilot” means a person licensed by the Authority to pilot vessels in the Pilotage District;

(a) 1913 c.31; section 7 was amended by the Merchant Shipping Act 1979 (c.39, sections 7(3), 13(1) and 50(4) and Schedules 2 and 7.

(b) See S.I. 1970/1537.

(c) Confirmed by 1921 c.xvi.

(d) S.R. & O. 1940 No. 1454.

(e) 10 & 11 Vict. c. lii; 15 & 16 Vict. c. cxxi; 17 & 18 Vict. c. xlv; 33 & 34 Vict. c. xcvi; 34 & 35 Vict. c. xli; 45 & 46 Vict. c. clxxi; 46 & 47 Vict. c. lix; 56 & 57 Vict. c. xlv; 61 & 62 Vict. c. cv; 1 Edward 7 c. cxxxiii; 8 & 9 Geo. 5 c. xviii; 9 & 10 Geo. 5 c. ix; 12 & 13 Geo. 5 c. i; 21 & 22 Geo. 5 c. i; 2 Geo. 6 c. iv; 14 Geo. 6 c. iv; 5 Eliz. 2 c. iv; 10 Eliz. 2 c. iii; 15 & 16 Eliz. 2 c. i; S.R. & O. (N.I.) 1971 No. 199; S.R. (N.I.) 1979 No. 32.

“the Pilotage District” means the Belfast Pilotage District referred to in Article 3 of this Order.

Pilotage District

3. There shall continue to be a pilotage district known as the Belfast Pilotage District the limits of which shall include all waters lying between Queen Elizabeth Bridge at Belfast and an imaginary line drawn from Thompson’s Point (latitude 54° 42.33’N; longitude 5° 50.28’W) in County Antrim to Grey Point (latitude 54° 40.63’N; longitude 5° 44.33’W) in County Down.

Compulsory Pilotage

4. Pilotage shall be compulsory within the Pilotage District.

Pilotage Authority

5.—(1) There shall be established a pilotage authority for the Pilotage District to be known as the Belfast Pilotage Authority, which shall be a body corporate with perpetual succession and a common seal.

(2) The Authority shall consist of nine members of whom—

(a) three members shall be elected by the licensed pilots from among themselves;

(b) two members shall be appointed by the Port Authority;

(c) three members shall be appointed representing local shipping interests, two of whom shall be nominees from the General Council of British Shipping and one a nominee from the Belfast Shipping Agents’ Association; and

(d) one shall be an independent member who is not a licensed pilot or a member or employee of the Port Authority or a member or employee of the shipping interests or of their representative organisations.

(3) No person with local shipping interests shall be eligible for appointment as a member of the Authority by the Port Authority under sub-paragraph (2) (b) above and no person who is either a member or employee of the Port Authority shall be eligible for appointment as a member of the Authority under sub-paragraph (2) (c) above.

(4) The members of the Authority shall be elected and appointed at the times and in the manner prescribed in Schedule 1 hereto.

Meetings

6.—(1) The annual meeting of the Authority shall be held in Belfast on or before the 31st March in each year.

(2) Meetings of the Authority may be called at such times and places as the Authority or the Chairman of the Authority may determine.

(3) The Chairman of the Authority shall call a special meeting of the Authority at any time on a requisition in writing addressed and delivered to him by any three members of the Authority stating the object of the meeting.

(4) A meeting of the Authority shall, except in a case of emergency, be called by notice in writing given not less than seven clear days before the date fixed for the meeting.

Proceedings

7.—(1) (a) The Authority shall appoint a Chairman and a Deputy Chairman who shall each be appointed from among the members of the Authority and shall hold office until the next annual meeting of the Authority.

(b) In the event of a vacancy occurring in the office of Chairman or Deputy Chairman otherwise than by effluxion of time, the Authority shall as soon as may be thereafter appoint a successor from among the members of the Authority and the person so appointed shall continue in office for the remainder of the term of his immediate predecessor.

(2) The Chairman, if present, shall preside at every meeting of the Authority. If the Chairman is absent the Deputy Chairman shall preside. If both are absent from any meeting the members present shall elect a Chairman for that meeting from among the members present, who shall preside.

(3) Every question at a meeting of the Authority shall be decided by the assent of the members of the Authority present at such meeting or by a majority of the votes of the members of the Authority present and voting on that question, and in the event of equality of votes, the person presiding at the meeting shall have a second or casting vote.

(4) At all meetings of the Authority six members eligible to vote shall form a quorum.

(5) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract, proposed contract, or other matter (other than a matter relating to pilotage or to the pilot boating service within the Pilotage District) and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or the discussion of the contract or other matter or vote on any question with respect to it.

(6) Subject to the provisions of this Order, the Authority may regulate their own procedure.

(7) In the event of a member of the Authority elected or appointed under Article 5 (2) (a), (b) or (c) of this Order being unable to attend a meeting of the Authority, the Authority may, at its discretion, allow the licensed pilots, the Port Authority, the General Council of British Shipping, or the Belfast Shipping Agents' Association, as the case may be, to nominate a substitute for that particular meeting and such person may attend, take part in the proceedings and vote in place of the absent member.

(8) No act or proceeding of the Authority shall be invalid on account of any vacancy in their body or on account of the appointment or election of any member having been defective.

(9) The Authority shall keep records and accounts of all moneys received and expended by them in connection with the pilotage service.

Period of Office

8.—(1) A member of the Authority shall hold office on and from the date of his election or appointment until the date when his successor is elected or appointed as the case may be, but shall be eligible for re-election or re-appointment.

(2) If a member of the Authority—

(a) is incapacitated by physical or mental illness, or

(b) in the case of an appointment under Article 5 (2) (a), ceases to be a licensed pilot, or in the case of an appointment under Article 5 (2) (b) or (c), is notified by the organisation appointing him that his appointment is terminated, or

(c) in the case of the independent member, reaches his seventieth birthday, then he shall cease to be a member of the Authority and his office shall become vacant and his successor shall be elected or appointed as the case may be.

Power to Acquire

9.—(1) The Authority may purchase, lease, hire or otherwise acquire and sell, lease, mortgage or otherwise dispose of lands and property of any tenure, buildings, goods and other real and personal property.

(2) The Authority may from time to time if they think fit acquire, own, hire, or build and equip, maintain and work or enter into agreements or arrangements with any persons for the supply, use, maintenance and working of such boats or ships or facilities (which may include any pilot station, pilot boat jetty, pilot boat berth, pilot boat repair yard, and works ancillary thereto) as, in the opinion of the Authority, may be required for the efficient working of the pilotage service and may at their discretion either sell or exchange such boats or ships or facilities. In order to acquire such boats or ships or facilities, the Authority may acquire by purchase or otherwise all or any part of the shares in any company or companies owning such boats or ships or facilities and may dispose of any shares so acquired.

(3) For the purpose of giving effect to the provision of paragraph (2) above, the Authority may borrow at interest on the security of such boats or ships or facilities any sum or sums which may be required therefor: Provided that all moneys so borrowed by the Authority shall be applied by them for the purposes of the Authority and not otherwise.

Savings

10.—(1) Until all members of the Authority, excluding the independent member, have been appointed or elected under the provisions of this Order, the former Pilotage Authority shall be deemed to be the Authority as though they had been appointed under the provisions of this Order.

(2) Until new byelaws have been made by the Authority and come into force for the Pilotage District, the byelaws made by the former Pilotage Authority applicable to the Pilotage District and in force immediately before the coming into operation of this Order shall continue in force as if they had been made by the Authority and shall be administered by the Authority, and references in such byelaws to the Pilotage Authority by whom they were made shall be construed as references to the Authority.

11.—(1) If at the date of the coming into operation of this Order any proceedings or cause of action is pending or existing by or against the former Pilotage Authority the same shall not abate, discontinue or be in any way prejudicially affected by reason of anything in this Order but the proceedings or cause of action may be continued, prosecuted and enforced by or against the Authority as it might have been by or against the former Pilotage Authority if this Order had not been made but not further or otherwise.

(2) All contracts, deeds, bonds, agreements and other instruments entered into by or affecting the former Pilotage Authority and subsisting immediately before the coming into operation of this Order, the principal of which are set out in Schedule 2 hereto, shall be of as full force and effect against, or in favour of, the Authority, and shall be enforced as fully and effectively as if instead of the former Pilotage Authority the Authority had been party thereto. The former Pilotage Authority shall not be liable in any way in respect of any contracts, deeds, bonds, agreements and other instruments referred to in this paragraph after the coming into operation of this Order.

12. All Pilots' Licences and Pilotage Certificates granted by the former Pilotage Authority shall have the same force and validity as if they had been granted by the Authority.

Iain Sproat,
Parliamentary Under-Secretary
of State,
Department of Trade.

22nd March 1982.

SCHEDULE 1

PROVISIONS RELATING TO THE ELECTION AND APPOINTMENT OF MEMBERS OF THE PILOTAGE AUTHORITY

Members elected by licensed pilots

(1) The members of the Authority elected by the licensed pilots in accordance with Article 5 (2) (a) of this Order shall be elected at a meeting of the licensed pilots (in this Schedule referred to as an "election meeting") which shall take place in the month of March in each year at a time and place to be fixed by the Authority except that in the case of the first election the election meeting shall take place as soon as may be after the date on which the Order comes into operation.

(2) Each election meeting shall be called by a notice in writing sent to each licensed pilot at his last known address by the Chairman of the Authority or a person nominated by him (or, in the case of the first election, the Chairman of the former Pilotage Authority or a person nominated by him), not less than seven clear days before the date fixed for the meeting.

(3) The Chairman of the Authority or a person nominated by him (or, in the case of the first election, the Chairman of the former Pilotage Authority or a person nominated by him) shall be the Chairman of the election meeting and the returning officer and shall preside at and regulate proceedings at such meetings.

(4) Every licensed pilot shall be entitled to attend or to be represented at the election meeting and to take part and vote in an election but this provision shall not authorise attendance to the prejudice of the pilotage service.

(5) Candidates for membership of the Authority shall lodge with the Authority 72 hours before the election meeting notice in writing of their candidature and the Authority shall exhibit a list of candidates at the principal office of the Authority and at the pilot station 48 hours before the election meeting. Such candidates shall at the election meeting be nominated and seconded by licensed pilots, and if the number of persons so nominated does not exceed the number of persons to be elected, the persons so nominated shall be deemed to be duly elected. If the number of persons nominated exceeds the number to be elected, ballot papers bearing candidates' names shall be issued to each licensed pilot present for himself and for each licensed pilot for whom he is acting as proxy, and the returning officer shall invite the pilots to vote and to return the ballot papers, folded with the official stamp showing, to the official ballot box, and the election shall be decided by the majority of the votes.

(6) A licensed pilot not intending to be present at an election meeting may, by writing under his hand, appoint another licensed pilot as proxy to represent and vote for him, provided that all instruments in writing appointing such a proxy shall be lodged with the Authority not later than 48 hours preceding the date of the election meeting.

(7) Each licensed pilot present in person or by proxy at any election meeting shall be entitled to as many votes as there are persons to be elected and shall give not more than one vote for any one candidate.

(8) In the event of two or more candidates at any election meeting having received the same number of votes the Chairman of the election meeting shall have a casting vote or votes.

(9) As soon as may be after the election the Chairman of the election meeting shall certify in writing to the Authority the name or names of the person or persons elected under these provisions as members of the Authority and every person so certified to be elected shall be deemed duly elected as a member of the Authority until the conclusion of the next election meeting.

(10) The costs, charges and expenses of and preliminary and incidental to the election shall be paid by the Authority.

Appointed Members

(11) The members of the Authority appointed in accordance with Article 5 (2) (b) and (c) of this Order shall, in the case of the first appointments, be appointed as soon as may be after the date on which the Order comes into operation, and thereafter in the month of March in each succeeding third year, provided that they may continue to hold office until such time as their successors are appointed so long as such appointment is made not later than the succeeding 30th September, and the appointment of their successors if made before 30th September shall not thereby be invalid.

(12) The independent member of the Authority appointed in accordance with Article 5 (2) (d) shall be appointed by the elected and appointed members of the Authority by unanimous agreement and shall hold office for a maximum of three years. Failing such agreement such independent member shall be appointed by the Secretary of State.

Filling of Vacancies

(13) In the event of any vacancy among the elected or appointed members of the Authority arising otherwise than by effluxion of time, the vacancy shall be filled as soon as may be thereafter in the manner prescribed for the election or appointment of members but any person so elected or appointed shall hold office only until the next ordinary election or appointment to his office.

(Article 11 (2))

SCHEDULE 2

The documents referred to in Article 11(2) of this Order shall include:—

1. The Lease dated 12th April, 1965, of the site of the Pilot Station, East Pierhead, Carrickfergus Harbour, and the pilot boat berth in the said Harbour between the Belfast Harbour Commissioners, as the Pilotage Authority for the Belfast Pilotage District, and the Mayor, Alderman and Burgesses of the Borough of Carrickfergus.

2. The Agreement dated 26th June, 1979, between the Belfast Harbour Commissioners, as the Pilotage Authority for the Belfast Pilotage District, and Messrs. David Ferran & Sons, in respect of the contracting out of the pilot boating service.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-enacts, with modifications, and revokes the Belfast Pilotage Order 1921 and the Belfast Pilotage (Amendment) Order 1940. The principal modification is that the office of Pilotage Authority is transferred from the Belfast Harbour Commissioners to the Belfast Pilotage Authority established by the Order.

This Order is made in consequence of an application by the Belfast Harbour Commissioners as Pilotage Authority for the Belfast Pilotage District. No objection to the application has been made in accordance with the Pilotage Orders (Applications) Regulations 1980 (S.I. 1980/1163).

Printed in England by Burgess & Son (Abingdon) Ltd and published by Her Majesty's Stationery Office

835/821157P G23 C12 3/82

£1.15 net

ISBN 0 11 026414 2