

SCHEDULES

SCHEDULE 2

Section 13(1).

MISCELLANEOUS AMENDMENTS OF PILOTAGE ACT 1913

- 1 In paragraph (h) of section 7(1) (which enables a pilotage order to provide that pilotage shall become or cease to be compulsory in specified areas subject to provision being also made for the payment of compensation to the pilots concerned in certain cases where pilotage ceases to be compulsory) for the words from the beginning to "also made" there shall be substituted the words "make provision as to the circumstances in which pilotage in a pilotage district is to be compulsory, subject to provision being also made, in a case where pilotage ceases to be compulsory in connection with the rearrangement of the district, ".
- 2 Section 8(2) (which relates to pilotage districts and authorities as they were constituted at the passing of the Pilotage Act 1913 and is spent) shall cease to have effect.
- 3 Section 9 (which provides for the appointment of a committee to give advice to the Secretary of State about the performance of his functions under the Pilotage Act 1913) shall cease to have effect
- 4 Section 10(1) (which relates to areas in which pilotage was and was not compulsory at the passing of the Pilotage Act 1913 and is spent) shall cease to have effect.
- 5 (1) In paragraphs (k), (l), (m) and (p) of section 17(1) (which among other things provide for byelaws relating to pilotage certificates for masters and mates) before the words "mates" and "mate" wherever they occur there shall be inserted the word "first".
(2) In section 17 (which authorises a pilotage authority to make byelaws for the purposes mentioned in subsection (1) of that section) after subsection (3) there shall be inserted the following subsection—
“(4) A byelaw may make different provision for different circumstances.”
- 6 In section 18 (of which paragraphs (a) to (c) specify the persons who may make objections to or proposals for a byelaw relating to a port) at the end of paragraph (c) there shall be inserted the words “or
(d) the Pilotage Commission;”.
- 7 In section 20(4) (which penalises a person who fails to return a pilot's licence as required by that section) after the word "fails" there shall be inserted the words "without reasonable excuse".
- 8 (1) In section 23(1) (which provides for the grant of pilotage certificates to masters and mates of ships except in the cases mentioned in the proviso)—
(a) before the word "mate" wherever it occurs there shall be inserted the word "first";
(b) in paragraph (a) of the proviso (which prohibits the grant of a pilotage certificate to a person who is not a British subject except in special cases) for the words "except in the cases for which special provision is made by this

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Act" there shall be substituted the words " or a national of a member State of the Economic Community other than the United Kingdom and the ship is registered under the law of a member State of the Economic Community "; and

(c) after paragraph (b) of the proviso there shall be inserted the words “; and

(c) In any district where a byelaw is in force prohibiting the grant of a pilotage certificate in respect of a vessel of a description specified in the byelaws, the pilotage authority shall not grant a certificate in respect of such a vessel ”;

but nothing in paragraph (b) of this sub-paragraph affects the validity or prevents the renewal of any pilotage certificate which, immediately before the day when that paragraph comes into force, is in force in respect of a ship which is not registered under the law of a member State of the Economic Community.

- (2) In section 23(3) (which provides that a pilotage certificate shall not be in force for more than one year but may be renewed annually) after the word " may " there shall be inserted the words " if held by the master or first mate of a ship ".
- (3) In section 23(4) and (5) (which refer to pilotage certificates for masters and mates and for more than one ship of substantially the same class) before the word " mate " wherever it occurs there shall be inserted the word " first " and after the word " class " there shall be inserted the words " and registered as mentioned in paragraph (a) in subsection (1) of this section. ".
- 9 Section 24 (which specifies the special cases mentioned in subparagraph (1) of the preceding paragraph) shall cease to have effect.
- 10 (1) In section 27(1)(a) (which refers to a pilotage certificate for a master or mate) before the word " mate " there shall be inserted the word " first ".
- (2) In section 27 (which provides for complaints to the Secretary of State about a pilotage authority's conduct in connection with pilots' licences and pilotage certificates and examinations for them) after subsection (1) there shall be inserted the following subsection—
- “(1A) The Secretary of State may—
- (a) before he considers a complaint as required by the preceding subsection, ask the Pilotage Commission for its advice on the complaint; and
- (b) when considering the complaint as so required, have regard to the Commission's advice on the complaint.”
- 11 (1) In section 30(2) (which relates to dues payable in a case where an unlicensed pilot is superseded by a licensed pilot) for the words from " a proportionate " to " of the licensed pilot" there shall be substituted the words " an appropriate proportion of the pilotage dues payable in respect of the ship " and the words " to the licensed pilot and " shall be omitted.
- (2) In section 30(3) (which penalises a pilot not licensed for a district if he pilots or attempts to pilot a ship in the district after a licensed pilot for the district has offered to pilot the ship) for the word " after " there shall be substituted the words " when he knows that ".
- 12 In section 31 (which relates to the furnishing of information by the master to the pilot of a ship about her draught, length and beam and provides that a master who refuses to comply with a request for the information or makes or is party to the

making of a false statement in answer to such a request shall be liable to a fine not exceeding £50)—

- (a) after the word " beam" in subsection (1) there shall be inserted the words " and to provide him with such other information relating to the ship or its cargo as the pilot specifies and is necessary to enable him to carry out his duties as the pilot of the ship ";
- (b) for subsection (2) there shall be substituted the following subsections—

“(2) It shall be the duty of the master of a ship to bring to the notice of each licensed pilot who pilots the ship any defects in, and any matter peculiar to, the ship and its machinery and equipment of which the master knows and which might affect materially the navigation of the ship.

(3) The master of a ship who—

- (a) refuses to comply with a request made to him in pursuance of subsection (1) of this section ; or
- (b) makes a statement which he knows is false, or recklessly makes a statement which is false, in answer to such a request or is privy to the making by another person in answer to such a request of a statement which the master knows is false ; or
- (c) fails without reasonable excuse to perform the duty imposed on him by the preceding subsection,

shall be guilty of an offence and liable to a fine not exceeding one thousand pounds in the case of an offence under paragraph (b) of this subsection and five hundred pounds in any other case.”

- 13 (1) In section 32(1) (which provides that a ship while being moved within a harbour in a pilotage district shall, except in certain cases, be deemed to be a ship navigating in a pilotage district) for the words " a ship navigating " there shall be substituted the words " being navigated ".
- (2) Section 32(2) (which provides that a ship which is navigating in a closed dock or other work in a pilotage district is deemed to be in a district where pilotage is not compulsory) shall cease to have effect.
- (3) Without prejudice to the generality of subsection (2) of section 52 of this Act, an order in pursuance of that subsection which brings into force the preceding subparagraph or Schedule 7 to this Act so far as that Schedule relates to section 32(2) may provide that it shall come into force in relation only to such pilotage districts as are specified in the order.
- 14 Section 33(2) (under which a licensed pilot is required to produce, to a person employing him who requests him to do so, his copies of the Pilotage Act 1913 and of the pilotage order and any byelaws in force in the pilotage district) shall cease to have effect
- 15 In section 35 (under which a pilot who in pursuance of byelaws under the Pilotage Act 1913 has given a bond, of which the penalty must not exceed £100, shall not be liable for neglect or lack of skill beyond the penalty of the bond and the amount of his pilotage dues)—
 - (a) for subsection (1) there shall be substituted the following subsection—

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- “(1) A licensed pilot, a person authorised to act as the assistant of a licensed pilot by the authority who licensed the pilot and the pilotage authority who employ a licensed pilot or such an assistant shall not be liable—
- (a) in the case of a pilot or assistant, for neglect or want of skill; and
 - (b) in the case of a pilotage authority, for neglect or want of skill by the pilot or assistant or by the authority in employing the pilot or assistant,
- beyond the amount of one hundred pounds and the amount of the pilotage dues in respect of the voyage during which the liability arose.”
- (b) subsection (2) and in subsection (3) the words "his" and " pilot's " shall be omitted ; and
 - (c) in subsection (3) after the word " pilot" where it first occurs and the words " by the pilot" and the words " from the pilot" there shall be inserted the words " , assistant or pilotage authority ".
- 16 In section 36(2) (which penalises a licensed pilot who refuses to produce his licence in accordance with that section) after the word " refuses" there shall be inserted the words " without reasonable excuse ".
- 17 In section 39—
- (a) in subsection (1) (which requires a pilot boat to carry the marks mentioned in paragraph (a), to be painted in the colours mentioned in paragraph (b) and to display the flag described in paragraph (c)) paragraphs (a) and (b) shall be omitted; and
 - (b) in subsection (2) (which provides for a fine for failure to comply with subsection (1)) the words "that the pilot boat possesses all the above characteristics and " and the words from " and also " to " concealed " shall be omitted.
- 18 In section 42 (which among other things penalises the master of a ship on which a pilot flag is displayed when no authorised pilot is on board) after the words " shall, unless " there shall be inserted the words " in the case of a pilot flag he proves that he took all reasonable precautions and exercised all due diligence to avoid displaying the flag and ".
- 19 In section 43(3) (which penalises a master who fails to display a pilot signal as required by that section) after the word " fails " there shall be inserted the words " without reasonable excuse ".
- 20 (1) In section 44(2) (which requires a master of a ship who accepts the services of a pilot to facilitate his getting on board the ship) for the words " getting on board " there shall be substituted the words " and any assistant of his getting on board and subsequently leaving ".
- (2) In section 44(3) (which provides that a master who fails to comply with the provisions of that section shall be liable to a fine not exceeding double the amount of the dues that could be demanded for the conduct of the ship) after the word " fails " there shall be inserted the words " without reasonable excuse " , after the word " liable " there shall be inserted the words " on summary conviction " and for the words " could be demanded for the conduct of the ship " there shall be substituted the words " (disregarding any increase in the dues attributable to failure to comply with the

requirements of byelaws in force in the district about requests for pilots) are payable in respect of the ship or would have been so payable if he had complied with those provisions or five hundred pounds, whichever is the greater ".

- 21 In section 45(3) (which penalises the master of a ship if he misuses or permits another person to misuse a pilot signal) after the word " If " there shall be inserted the words " without reasonable excuse ".
- 22 In section 46 (which provides that a pilot of a ship who through breach or neglect of duty or through drunkenness endangers the ship or persons on the ship shall be guilty of a misdemeanour) for the words from " in respect of each offence " onwards there shall be substituted the words "be guilty of an offence and liable—
- (i) on summary conviction, to imprisonment for a term not exceeding three months or a fine of an amount not exceeding one thousand pounds or both ;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both."
- 23 In section 48(1) (under paragraph (a) of which it is an offence, punishable with a fine not exceeding one hundred pounds, for a licensed pilot to keep licensed premises or to sell liquor, tobacco or tea and under paragraph (d) of which it is an offence so punishable for a licensed pilot to act as a pilot whilst suspended and under paragraph (g) of which it is an offence so punishable for a licensed pilot to refuse or delay, when not prevented by illness or other reasonable cause, to pilot a ship which he is properly requested to pilot),—
- (a) paragraph (a) shall be omitted ;
 - (b) for the word " whilst" in paragraph (d) there shall be substituted the words " when he knows he is "; and
 - (c) in paragraph (g) for the words " when not prevented by illness or other" there shall be substituted the word " without ".
- 24 In section 50 (which penalises a pilot who demands or receives, and a master who offers or pays, dues at any other rates, whether greater or less, than the authorised rates) for the words from " dues " to " demanded " there shall be substituted the words " pilotage dues of amounts which he knows are greater or less than the amounts authorised ".
- 25 In section 51 (which provides that if a ship with a licensed pilot on board leads another ship which has no such pilot, the pilot shall be entitled to the same pilotage rate for the other ship as if he had piloted it) for the words from " pilot so leading " to " as if he" there shall be substituted the words " same pilotage dues shall be payable in respect of the last-mentioned ship as if the pilot ".
- 26 Section 56 (which provides that expenditure under the Pilotage Act 1913 out of money provided by Parliament must not exceed £6,000 a year), section 58 (which provides for the apportionment of the income of pilotage authorities in cases which no longer arise) and section 59 (which contains savings which are no longer required) shall cease to have effect.
- 27 In section 61 (which relates to the extent and application of the Pilotage Act 1913) the reference to that Act shall be construed as including the provisions of this Act relating to pilotage except paragraph 2 of Schedule 5.