



Pilotage Act 1983

1983 CHAPTER 21

PART II

PRINCIPAL PILOTAGE PROVISIONS

Compulsory Pilotage

30 Compulsory pilotage

- (1) On the day appointed under subsection (7) below for the coming into force of this section or for the coming into force for a particular purpose, this section shall be substituted for section 31 of this Act to the extent (if any) specified in the order.
- (2) Subject to subsection (4) below, a ship which is being navigated in a pilotage district in circumstances which the pilotage order for the district specifies as circumstances in which pilotage in the district is compulsory shall be—
 - (a) under the pilotage of a licensed pilot of the district who, in any such case as is specified in byelaws made under this Act by the pilotage authority for the district, is accompanied by an assistant who is also a licensed pilot of the district or, if the byelaws so provide, has a qualification specified in the byelaws ; or
 - (b) under the pilotage of a master or first mate who possesses a pilotage certificate for the district and is bona fide acting as master or first mate of the ship.
- (3) Without prejudice to the generality of subsection (2) above but subject to the following subsection, a ship which is being navigated in a port in a pilotage district at a time when—
 - (a) there is a defect in its hull, machinery or equipment which might affect materially the navigation of the ship; and
 - (b) the pilotage authority for the district have, at the request of the body managing or regulating the port, given notice to the master of the ship stating that the ship is to be under pilotage,

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shall be under such pilotage as is mentioned in paragraph (a) or paragraph (b) of subsection (2) above.

- (4) Subsections (2) and (3) above shall not apply to a ship belonging to Her Majesty, and a pilotage authority may by byelaws under this Act provide that a ship which is of a kind described in the byelaws by reference to its type, size or cargo shall not be required by virtue of the pilotage order for the authority's district to be under such pilotage as is mentioned in subsection (2) above ; and in this Act " excepted ship " means, in relation to a pilotage district, a ship belonging to Her Majesty and any other ship of a kind described in byelaws made by virtue of this subsection by the pilotage authority for the district.
- (5) If any ship is not under pilotage as required by subsection (2) or (3) above, and either—
- (a) the master of the ship has not complied with the requirements of byelaws made under this Act, by the pilotage authority for the district in question, about requests for pilots; or
 - (b) a licensed pilot of the district has offered to take charge of the ship,
- then, subject to the following subsection, the master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding whichever of the following is the greater, namely—
- (i) in England and Wales and in Scotland, level 5 on the standard scale,
 - (ii) in Northern Ireland, £1,000,
- or double the amount of the pilotage charges which would have been payable in respect of the ship if it had been under pilotage as so required and, where the master has not complied as aforesaid, if he had so complied.
- (6) It shall be a defence in proceedings for an offence under subsection (5) above to prove that on the occasion to which the charge relates the ship was being navigated in the pilotage district in question only so far as was necessary to avoid serious danger to the ship.
- (7) This section shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.
- (8) Without prejudice to the generality of subsection (7) above, an order under that subsection may appoint a day for the coming into force of this section in relation only to such pilotage districts as are specified in the order.

31 Compulsory pilotage; transitory provisions

- (1) Every ship (other than an excepted ship) while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving, or making use of any port in the district, and every ship carrying passengers (other than an excepted ship), while navigating for any such purpose as aforesaid in any pilotage district (whether pilotage is compulsory or not compulsory in that district) shall be either—
- (a) under the pilotage of a licensed pilot of the district; or
 - (b) under the pilotage of a master or mate possessing a pilotage certificate for the district who is bona fide acting as master or mate of the ship.
- (2) If any ship (other than an excepted ship) in circumstances in which pilotage is compulsory under this section, is not under pilotage as required by this section, after a licensed pilot of the district has offered to take charge of the ship, the master of that

ship shall be liable on summary conviction in respect of each offence to a fine not exceeding double the amount of the pilotage charges that (disregarding any increase in the charges attributable to failure to comply with the requirements of byelaws in force in the district about requests for pilots) would have been payable in respect of the ship if it had been under pilotage as so required.

- (3) For the purposes of this Act the following ships are excepted ships: —
- (a) ships belonging to Her Majesty ;
 - (b) fishing vessels of which the registered length is less than 47.5 metres;
 - (c) ferry boats plying as such exclusively within the limits of a harbour authority ;
 - (d) ships of less than fifty tons gross tonnage ;
 - (e) ships exempted from compulsory pilotage by byelaw in force by virtue of paragraph 1 of Schedule 2 to this Act.

32 Exemption from compulsory pilotage of ships belonging to certain public authorities

- (1) Subject to the provisions of this section the provisions of this Act relating to compulsory pilotage shall not apply to tugs, dredgers, sludge-vessels, barges, and other similar craft—
- (a) belonging to or hired by a dock, harbour or water authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within any pilotage district which includes within its limits the whole or any part of the area of the authority; or
 - (b) belonging to a local authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within the pilotage district within which the port to which they belong is situated.
- (2) Where in any pilotage district any of the classes of craft mentioned in subsection (1) above were at the time of the passing of this Act in practice subject to compulsory pilotage, the pilotage authority may by byelaw provide that any of such classes of craft shall continue to be so subject.
- (3) The Secretary of State may by order provide that the provisions of this Act relating to compulsory pilotage shall apply to such of the craft mentioned in subsection (1) above as may be specified in the order.
- (4) Until such day as the Secretary of State may by order appoint, subsection (3) above shall be omitted; and different days may be appointed under this subsection for different purposes.

33 Provision as to ships calling at a port for the purpose only of taking pilot; transitory provisions

- (1) A ship calling at a port in a pilotage district for the purpose only of taking on board or landing a pilot belonging to some other pilotage district shall not, for the purpose of the provisions of this Act relating to compulsory pilotage, be deemed to be navigating in the first-mentioned district for the purpose of entering, leaving, or making use of that port.
- (2) Subsection (1) above shall cease to have effect on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.

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34 Construction of references to pilotage district in which pilotage is compulsory; transitory provisions

- (1) Any reference in this Act to a pilotage district in which pilotage is compulsory shall, in the case of a district in which pilotage is compulsory only in part of the district, be construed, if the context so requires, as a reference to that part of the district only.
- (2) Subsection (1) above shall cease to have effect on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.

35 Liability of owner or master in case of a vessel under pilotage

Notwithstanding anything in any public or local Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

Provisions with respect to Licensed Pilots

36 Right of licensed pilot to supersede unlicensed persons

- (1) A pilot licensed for a district may supersede any pilot not so licensed who is employed to pilot a ship in the district.
- (2) Where a licensed pilot supersedes an unlicensed pilot the master of the ship shall pay to the latter an appropriate proportion of the pilotage charges payable in respect of the ship.

Any question as to the proportion payable to the person whom the licensed pilot has superseded shall be referred to the pilotage authority by whom the licensed pilot has been licensed, and their decision on the question shall be final.

- (3) If in any pilotage district a pilot not licensed for the district pilots or attempts to pilot a ship when he knows that a pilot licensed for that district has offered to pilot the ship, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) in England and Wales and in Scotland, level 4 on the standard scale,
 - (b) in Northern Ireland, £500.
- (4) If the master of a ship knowingly employs or continues to employ a pilot not licensed for the district to pilot the ship within any pilotage district after a pilot licensed for that district has offered to pilot the ship, or, in the case of an outward bound ship, without having taken reasonable steps (proof whereof shall lie on the master) to obtain a licensed pilot, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) in England and Wales and in Scotland, level 4 on the standard scale,
 - (b) in Northern Ireland, £500.
- (5) If any person other than the master or a seaman being bona fide one of the crew of the ship is on the bridge of a ship, or in any other position (whether on board the ship or elsewhere) from which the ship is navigated, that person shall, for the purposes of this section, be deemed to be piloting the ship unless the contrary is proved.

- (6) In this section, "ship" does not include a ship which a person is piloting or ordered to pilot, in a dockyard port within the meaning of the Dockyard Ports Regulation Act 1865, in the course of his duties as a servant of the Crown; but nothing in this subsection shall be construed as derogating from any immunity which affects a ship apart from this subsection.

37 Declaration as to draught etc. of ship

- (1) A licensed pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, 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, and the master shall comply with any such request.
- (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) above ; 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 subsection (2) above,
- shall be guilty of an offence.
- (4) The master of a ship who is guilty of an offence under this section shall be liable on summary conviction—
- (a) in the case of an offence under subsection (3)(b) above, to a fine not exceeding—
 - (i) in England and Wales and in Scotland, level 5 on the standard scale,
 - (ii) in Northern Ireland, £1,000;
 - (b) in any other case, to a fine not exceeding—
 - (i) in England and Wales and in Scotland, level 4 on the standard scale,
 - (ii) in Northern Ireland, £500.

38 Provision as to ships within a harbour, dock, etc.

- (1) A ship while being moved within a harbour which forms part of a pilotage district shall be deemed to be being navigated in a pilotage district, except so far as may be provided by byelaw in the case of ships being so moved for the purpose of changing from one mooring to another mooring or of being taken into or out of any dock: and a byelaw shall in every case be made for the purpose aforesaid in any pilotage district where any class of persons other than licensed pilots were in practice employed on 7th March 1913 (the date of the passing of the Pilotage Act 1913) for the purpose of changing the moorings of ships or of taking ships into or out of dock.

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- (2) Until such day as the Secretary of State may by order appoint, subsection (1) above shall have effect as if for the words " being navigated" there were substituted the words " a ship navigating " ; and different days may be appointed under this subsection for different purposes.

39 Provision as to ships in closed dock etc.; transitory provisions

- (1) A ship whilst being navigated within any closed dock, lock or other closed work in a pilotage district shall, notwithstanding anything in this Act, be deemed to be navigating in a district in which pilotage is not compulsory.
- (2) Subsection (1) above shall cease to have effect on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.
- (3) Without prejudice to the generality of subsection (2) above, an order under that subsection may appoint a day for subsection (1) above to cease to have effect in relation only to such pilotage districts as may be specified in the order.

40 Copies of pilotage provisions to be furnished to pilots

The pilotage authority shall cause every pilot licensed by them to be furnished with a copy of this Act as amended for the time being, and with a copy of any pilotage order for the time being in force in the district, and of any byelaws so in force.

41 Licensed pilot not to be taken out of his district

A master of a ship shall not, except in circumstances of unavoidable necessity, take a licensed pilot without his consent beyond the district for which he is licensed, or beyond the point up to which he has been engaged to pilot the ship, and if a master of a ship acts in contravention of this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 5 on the standard scale,
- (b) in Northern Ireland, £1,000.

42 Limitation of liability of pilots, and of pilotage authorities as employers

- (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 £100 and the amount of the pilotage charges in respect of the voyage during which the liability arose.
- (2) Where any proceedings are taken against a pilot, assistant or pilotage authority for any neglect or want of skill in respect of which liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may—
- (a) determine the amount of the liability,

- (b) upon payment by the pilot, assistant or pilotage authority of that amount into court, distribute that amount rateably among the several claimants,
- (c) stay or, in Scotland, sist any proceedings pending in any other court in relation to the same matter,
- (d) proceed in such manner and subject to such requirements—
 - (i) as to making persons interested parties to the proceedings,
 - (ii) as to the exclusion of any claimants who do not come in within a certain time,
 - (iii) as to requiring security from the pilot, assistant or pilotage authority,
 - (iv) as to payment of any costs, as the court thinks just.

43 Obligation on licensed pilot to produce his licence to employer

- (1) Every licensed pilot when acting as such shall be provided with his licence, and shall, if requested, produce it to any person by whom he is employed, or to whom he offers his services as pilot.
- (2) If a licensed pilot refuses without reasonable excuse to produce his licence in accordance with this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) in England and Wales and in Scotland, level 3 on the standard scale,
 - (b) in Northern Ireland, £200.

44 Penalty on fraudulent use of licence

If any person not being a licensed pilot for a district falsely represents himself to be a licensed pilot for that district, either by means of using a licence which he is not entitled to use or by any other means, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 5 on the standard scale,
- (b) in Northern Ireland, £1,000.

Pilot Boats and Pilot Signals

45 Approval of pilot boats

All vessels regularly employed in the pilotage service of any pilotage district (in this Act referred to as " pilot boats ") shall be approved and licensed by the pilotage authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot boats.

46 Pilot boats to fly pilot flag

- (1) Every pilot boat shall when afloat fly a flag (in this Act called a " pilot flag ") of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation.
- (2) It shall be the duty of the master of the pilot boat to see that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance ; and if a master fails,

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without reasonable cause, to comply with the requirements of this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 2 on the standard scale,
- (b) in Northern Ireland, £50.

47 Display of pilot flag when pilot is on board ship

When a ship is navigating in a pilotage district, and has on board a pilot licensed for that district, or a master or mate holding a pilotage certificate for that district, the master of the ship shall cause a pilot flag to be exhibited; and if he fails, without reasonable cause, to do so, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 4 on the standard scale,
- (b) in Northern Ireland, £500.

48 Penalty on ordinary boat displaying pilot flag

(1) A pilot flag shall not be displayed on any ship or boat not having on board a licensed pilot or a master or mate holding a pilotage certificate and if any such flag is displayed on any such ship or boat, the master of that vessel shall, unless he proves that he took all reasonable precautions and exercised all due diligence to avoid displaying the flag, be liable on summary conviction for each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 4 on the standard scale,
- (b) in Northern Ireland, £500.

(2) A flag so nearly resembling a pilot flag as to be likely to deceive shall not be displayed on any ship or boat not having on board a licensed pilot or a master or mate holding a pilotage certificate and, if any such flag is displayed on any such ship or boat, the master of that vessel shall, unless he proves that he had no intention to deceive, be liable on summary conviction for each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 4 on the standard scale,
- (b) in Northern Ireland, £500.

49 Signals to be displayed by ships requiring a pilot

(1) Her Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as " pilot signals " .

(2) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3) If without reasonable excuse a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 2 on the standard scale,
- (b) in Northern Ireland, £50.

50 Obligation to display signal for pilot in certain circumstances

- (1) The master of a ship (other than an excepted ship) shall when navigating in circumstances in which pilotage is compulsory under this Act, display a pilot signal, and keep the signal displayed until a licensed pilot comes on board.
- (2) The master of a ship, whether navigating in circumstances in which pilotage is compulsory or not, which is being piloted in a pilotage district by a pilot not licensed for the district, shall display a pilot signal and keep the signal displayed until a licensed pilot comes on board.
- (3) If the master of any ship fails without reasonable excuse to comply with this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) in England and Wales and in Scotland, level 2 on the standard scale,
 - (b) in Northern Ireland, £50.
- (4) In subsection (2) above, "ship" does not include a ship which a person is piloting or ordered to pilot, in a dockyard port within the meaning of the Dockyard Ports Regulation Act 1865, in the course of his duties as a servant of the Crown; but nothing in this subsection shall be construed as derogating from any immunity which affects a ship apart from this subsection.

51 Facilities to be given for pilot getting on board and leaving ship

- (1) The master of a ship (other than an excepted ship) which, in circumstances in which pilotage is compulsory under this Act, is not under pilotage as required in these circumstances, shall, if a licensed pilot of the district makes a signal for the purpose of offering his services as pilot, by any practical means consistent with the safety of his ship, facilitate the pilot getting on board the ship, and shall give the charge of piloting the ship to that pilot, or, if there are two or more licensed pilots offering at the same time, to such one of them as may, according to any byelaws for the time being in force in the district, be entitled or required to take charge of the ship.
- (2) Where the master of a ship, whether in circumstances in which pilotage is compulsory or not, accepts the services of a licensed pilot, he shall, by any practical means consistent with the safety of his ship, facilitate the pilot and any assistant of his getting on board and subsequently leaving the ship.
- (3) If the master of any ship fails without reasonable excuse to comply with the provisions of this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) double the amount of pilotage charges that (disregarding any increase in the charges 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
 - (b) in England and Wales and in Scotland, level 4 on the standard scale,
 - (c) in Northern Ireland, £500,whichever is the greater.

Offences by Pilots

52 Penalty on pilot endangering ship, life, or limb

If, when piloting a ship, any pilot by wilful breach of duty or by neglect of duty, or by reason of drunkenness—

- (a) does any act tending to the immediate loss or destruction of or serious damage to the ship, or tending immediately to endanger the life or limb of any person on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb ;

that pilot shall be guilty of an offence and liable—

- (i) on summary conviction, to imprisonment for a term not exceeding 3 months or a fine of an amount not exceeding the statutory maximum or both ;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

53 Penalty on person obtaining charge of a ship by misrepresentation

If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting or conniving at the commission of the offence shall, in addition to any liability for damages, be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 5 on the standard scale,
- (b) in Northern Ireland, £1,000.

54 Offences by pilots

(1) If a licensed pilot, either within or outside the district for which he is licensed.—

- (a) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;
- (b) lends his licence;
- (c) acts as pilot when he knows he is suspended;
- (d) acts as pilot when in a state of intoxication;
- (e) employs, or causes to be employed, on board any ship which he is piloting any boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person;
- (f) refuses, or wilfully delays, without reasonable cause, to pilot any ship within the district for which he is licensed, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom the pilot is licensed, or by any chief officer of Customs and Excise;
- (g) unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship ;

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- (h) refuses, otherwise than on reasonable ground of danger to the ship, when requested by the master, to conduct the ship which he is piloting into any port or place within the district for which he is licensed; or
 - (i) quits the ship, which he is piloting, before the service for which he was engaged has been performed and without the consent of the master of the ship ;
- that pilot shall, in addition to any liability for damages, be liable on summary conviction in respect of each offence to a fine not exceeding—
- (i) in England and Wales and in Scotland, level 4 on the standard scale,
 - (ii) in Northern Ireland, £500.
- (2) If any person procures, aids, abets or connives at the commission of any offence under this section he shall, in addition to any liability for damages, be liable on summary conviction to a fine not exceeding—
- (a) in England and Wales and in Scotland, level 4 on the standard scale,
 - (b) in Northern Ireland, £500.
- (3) The provisions of the law relating to customs or excise with respect to the recovery of penalties under that law, and the application of such penalties, shall apply in the case of any prosecution by any officer of Customs and Excise for the recovery of a fine in respect of any offence against this section.