



# PILOTAGE ACT 1983

## 1983 CHAPTER 21

An Act to consolidate the Pilotage Acts 1913 and 1936 and certain provisions of the Merchant Shipping Act 1979. 9th May 1983.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

## PART I

### ADMINISTRATION

#### *Introductory*

#### **1 Continuation in being of existing organisation.**

[<sup>F1</sup>(1) There shall continue to be a body corporate called the Pilotage Commission (in this Act referred to as “the Commission”) and the Commission constituted under the <sup>M1</sup>Merchant Shipping Act 1979 and in being immediately before the commencement of this Act shall continue in being as the Commission for the purposes of this Act.]

(2) ..... <sup>F1</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Pilotage Act 1983(repealed 30.4.1991). (See end of Document for details)*

#### Textual Amendments

- F1** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), **Sch. 3** (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

#### Marginal Citations

- M1** 1979 c. 39.

### *The Pilotage Commission*

#### [<sup>F2</sup>2 Constitution of Commission.

- (1) The Commission shall consist of not less than [<sup>F3</sup>10][<sup>F3</sup>5] and not more than 15 persons appointed by the Secretary of State [<sup>F4</sup>and the Secretary of State shall appoint one member to be the Chairman of the Commission]

[ It shall be the duty of the Secretary of State before appointing any person as a member <sup>F5</sup>(2) or as Chairman of the Commission to consult on the appointment such persons as he considers are representative of the persons in the United Kingdom principally interested in the activities of the Commission.]

- (3) the provisions of Schedule 1 to this Act shall have effect with respect to the Commission.
- (4) It is hereby declared that the Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity from the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.
- (5) In Part II of Schedule I to the <sup>M2</sup>House of Commons Disqualification Act 1975, after the entry relating to the Performing Right Tribunal there shall be inserted the words “The Pilotage Commission” ; and in Part II of Schedule 1 to the <sup>M3</sup>Northern Ireland Assembly Disqualification Act 1975, after the entry relating to the said Tribunal there shall be inserted the words aforesaid.]

#### Textual Amendments

- F2** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), **Sch. 3** (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)
- F3** For “10” there is substituted (*temp.*) “5” by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), **s. 27(2)**
- F4** Words substituted by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), **s. 27(2)(a)**
- F5** **S. 2(2)** substituted by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), 27(2)(b)

#### Marginal Citations

- M2** 1975 c. 24.  
**M3** 1975 c. 25

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3 <sup>F6</sup> .....

**Textual Amendments**

**F6** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

[<sup>F7</sup>4 **Other financial provisions relating to Commission.**

- (1) The Commission may borrow in sterling any sum which it requires for the purpose of carrying out its functions, but the aggregate amount of the principal of sums borrowed by the Commission which is outstanding at any time shall not exceed £200,000 or such larger amount, not exceeding £500,000, as the Secretary of State may specify by order.
- (2) The Secretary of State may out of money provided by Parliament lend to the Commission, with the consent of the Treasury and on such terms as he may determine with the consent of the Treasury, any sum which the Commission has power to borrow in pursuance of subsection (1) above ; and any sum received by the Secretary of State by way of interest on or the payment of a loan made by virtue of this subsection shall be paid into the Consolidated Fund.
- (3) It shall be the duty of the Commission—
  - (a) to keep proper accounts and proper records in relation to the accounts ; and
  - (b) to prepare in respect of the period of 12 months ending with the 31st March in each year a statement of those accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
  - (c) to cause the accounts kept and the statement prepared for each such period to be audited by auditors appointed by the Commission with the approval of the Secretary of State.
- (4) A person shall not be qualified to be appointed as an auditor in pursuance of subsection (3) above unless he is a member of one or more of the following bodies—
  - the Institute of Chartered Accountants of Scotland ;
  - the Association of Certified Accountants ;
  - the Institute of Chartered Accountants in Ireland ;
  - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of [<sup>F8</sup>section 389(1)(a) of the Companies Act 1985] by the Secretary of State ;

but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.]

**Textual Amendments**

**F7** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

**F8** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

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*Functions of Commission*

**5 General functions of Commission.**

(1) ..... <sup>F9</sup>

[<sup>F9</sup>(4) The Commission shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions.]

**Textual Amendments**

**F9** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

**6, 7.** ..... <sup>F10</sup>

**Textual Amendments**

**F10** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

[<sup>F118</sup> **Annual report.**

It shall be the duty of the Commission—

- (a) to prepare and publish, as soon as possible after the 31st March in each year, a report on the performance of its fuctions during the period of 12 months ending with that date ;
  - (b) to include in the report a copy of the statement of accounts prepared in respect of that period in pursuance of section 4(3)(b) of this Act and a copy of the auditors’ report on the statement and on the accounts to which the statement relates ; and
  - (c) to deliver a copy of the report to the Secretary of State before it is published ;
- and it shall be the duty of the Secretary of State to lay before Parliament copies of each report of which he receives a copy in pursuance of this section.]

**Textual Amendments**

**F11** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

**9—29.** ..... <sup>F12</sup>

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F12** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

**PART II**

**PRINCIPAL PILOTAGE PROVISIONS**

**30—** <sup>F13</sup> .....  
**54.**

**Textual Amendments**

**F13** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

**PART III**

**LIABILITY OF PILOTAGE AUTHORITIES FOR  
LOSS OR DAMAGE TO VESSELS OR GOODS, ETC.**

**55—** <sup>F14</sup> .....  
**62.**

**Textual Amendments**

**F14** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

**PART IV**

**MISCELLANEOUS AND GENERAL**

**63—** <sup>F15</sup> .....  
**70.**

**Textual Amendments**

**F15** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

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## SCHEDULES

### [<sup>F16</sup>SCHEDULE I

Section 2(3).]

#### FURTHER PROVISIONS RELATING TO CONSTITUTION ETC. OF PILOTAGE COMMISSION

##### Textual Amendments

**F16** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

##### *Tenure of members*

- 1 Subject to paragraphs 2 to 4 below, a person shall hold and vacate office as a Commissioner or the Chairman in accordance with the terms of the instrument appointing him to that office.
- 2 A person shall not be appointed as a Commissioner and a Commissioner shall not be appointed as the Chairman for a term of more than three years ; but a person may be reappointed as a Commissioner and a Commissioner may be reappointed as the Chairman on or after the date on which he ceases to be a Commissioner or, as the case may be, ceases to be the Chairman.
- 3 (1) A person may at any time resign his office as a Commissioner or the Chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.  
 (2) If the Chairman ceases to be a Commissioner he shall cease to be the Chairman.
- 4 If the Secretary of State is satisfied that a Commissioner—
  - (a) has been absent from the meetings of the Commission for a period longer than six consecutive months without the permission of the Commission ; or
  - (b) is incapacitated by physical or mental illness ; or
  - (c) is otherwise unable or unfit to discharge the functions of a Commissioner,
 the Secretary of State may declare his office as a Commissioner to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit ; and thereupon the office shall become vacant.

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### *Remuneration of members*

- 5 The Commission shall pay to each Commissioner such remuneration and allowances as the Secretary of State may determine with the consent of the Treasury.
- 6 Where a person ceases to be a Commissioner otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Treasury direct the Commission to make to that person a payment of such amount as the Secretary of State may determine with the consent of the Treasury ; and it shall be the duty of the Commission to comply with that direction.

### *Proceedings*

- 7 The quorum of the Commission and the arrangements relating to meetings of the Commission shall be such as the Commission may determine.
- 8 (1) A Commissioner who is in any way directly or indirectly interested in a contract made or proposed to be made by the Commission, or in any other matter whatsoever which falls to be considered by the Commission, shall disclose the nature of his interest at a meeting of the Commission and the disclosure shall be recorded in the minutes of the meeting ; and the Commissioner shall not—
- (a) in the case of a contract, take part in any deliberation or decision of the Commission with respect to the contract ; and
  - (b) in the case of any other matter, take part in any decision of the Commission with respect to the matter if the Commission decides that the interest in question might affect prejudicially the Commissioner's consideration of the matter.
- (2) A notice given by a Commissioner at a meeting of the Commission to the effect that he is a member or employee of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of the preceding sub-paragraph, be a sufficient disclosure of his interest in relation to any contract so made.
- (3) A Commissioner need not attend in person at a meeting of the Commission in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 9 The validity of any proceedings of the Commission shall not be affected by any vacancy among the Commissioners or by any defect in the appointment of a Commissioner.

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### *Staff*

- 10 The Commission may employ such persons as it considers are needed to assist the Commission in the performance of its functions and may pay to them such remuneration and allowances as the Commission considers appropriate.

**Modifications etc. (not altering text)**

**C2** Sch. 1 para. 10 excluded by Pilotage Act 1987 (c. 21, SIF 111), s. 25(8)

- 11 The Commission may—
- (a) pay, to or in respect of persons formerly employed by the Commission, pensions, allowances or gratuities of such amounts as the Commission may determine ;
  - (b) make such payments towards the provision of any of the said benefits as the Commission may determine ;
  - (c) maintain such schemes as the Commission may determine, whether contributory or not, for the payment of any of the said benefits.

- 12 If a person employed by the Commission becomes a Commissioner and was by reference to his employment by the Commission a participant in a pension scheme maintained by the Commission in pursuance of the preceding paragraph, the Commission may determine that his service as a Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commission.

### *Instruments*

- 13 The fixing of the common seal of the Commission shall be authenticated by the signature of the Chairman or of another Commissioner authorised by the Commission to authenticate it.
- 14 A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

### *Interpretation*

- 15 In the preceding provisions of this Schedule “the Chairman” and “a Commissioner” mean respectively the chairman of the Commission and a member of the Commission.



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## SCHEDULES 2 TO 4

Section 69(1).

. . . F17

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### Textual Amendments

**F17** Act repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), ss. 32(5), 33(2), [Sch. 3](#) (the repeal being in force on or before 1.10.1988 as regards all provisions other than ss. 1(1), 2, 4, 5(4), 8 and Sch. 1 as to which provisions the repeal remains *prosp.*)

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