



Pilotage Act 1983

1983 CHAPTER 21

PART I

ADMINISTRATION

Masters' and First Mates' Certificates

20 Grant of masters' and first mates' certificates by pilotage authorities

- (1) Subject to subsection (2) below, a pilotage authority may grant a certificate (in this Act referred to as a pilotage certificate) to any person who is bona fide the master or first mate of any ship if that person applies for such a certificate, and if, after examination, they are satisfied that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master or first mate within their district.
- (2) A pilotage certificate shall not be granted—
 - (a) to the master or first mate of a ship unless he is a—
 - (i) Commonwealth citizen or,
 - (ii) citizen of the Republic of Ireland or,
 - (iii) 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 ;
 - (b) in any district where a byelaw is in force prohibiting the grant of pilotage certificates to masters or first mates who do not hold at least such certificate issued under the Merchant Shipping Act 1970 as is specified in the byelaw except to a master or first mate holding a certificate so specified ;
 - (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 byelaw, in respect of such a vessel.
- (3) A pilotage certificate shall be in a form approved for the time being by the Secretary of State, and shall contain (in addition to any other particulars which may be required)

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the name of the person to whom the certificate is granted, the name and draught of water of the ship or ships in respect of which it is granted, the limits of the district in respect of which the certificate is granted, and the date on which it was granted.

- (4) A pilotage certificate shall not be in force for more than a year from the date on which it is granted, but may, if held by the master or first mate of a ship, be renewed annually by the pilotage authority, subject to the provisions of any byelaw made by that authority as to re-examination.
- (5) A pilotage certificate may be granted so as to extend to more than one ship belonging to the same owner, while the master or first mate is bona fide acting as master or first mate of any such ship, provided that they are ships of substantially the same class and registered as mentioned in paragraph (a) of subsection (2) above.
- (6) A pilotage authority may, on the application of the master or first mate of a ship, alter his pilotage certificate so as to relate to any other ship or ships of a not substantially greater draught of water or tonnage than that to which the certificate formerly related, to which the master or first mate may be transferred, or so as to cover any ships of substantially the same class and which are registered as mentioned in paragraph (a) of subsection (2) above and belong to the same owner as the ships to which the certificate already relates.
- (7) A pilotage authority may, for the purposes of this section, treat ships which are shown to their satisfaction to be bona fide under the management of the same person as manager, managing owner, demisee, or time charterer, as being ships owned by that person.
- (8) The required fee shall be payable on the examination for a pilotage certificate and on the grant, renewal or alteration of any such certificate.

In this subsection the " required fee " means the fee fixed by byelaw made in pursuance of paragraph (o) of section 15(1) of this Act.

21 Refusal and revocation of pilotage certificates

- (1) A pilotage authority shall not be obliged to grant a pilotage certificate if the Commission considers—
 - (a) that, without the certificate, the number of persons holding pilots' licences for the authority's district and the number of persons holding pilotage certificates for the district are appropriate for the district; or
 - (b) that, if the certificate were granted, functions by virtue of it would probably be performed wholly or mainly in a particular area in the authority's district, and that, without the certificate, the number of persons holding pilots' licences by virtue of which functions are performed wholly or mainly in that area and the number of persons holding pilotage certificates by virtue of which functions are so performed are adequate for the area.
- (2) If—
 - (a) a majority of the persons holding pilots' licences for the district of a pilotage authority; or
 - (b) a majority of the persons who hold pilots' licences for the district of a pilotage authority and appear to the Commission to perform functions by virtue of the licences wholly or mainly within a particular area in the district,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

make representations in writing to the Secretary of State, within the period of two months beginning with the day when a pilotage certificate is granted by the authority, requesting him to revoke the certificate—

- (i) on the ground, in the case of a request by a majority mentioned in paragraph (a) above, that apart from the holder of the certificate the number of persons holding pilots' licences for the district and the number of persons holding pilotage certificates for the district are in the opinion of the Commission appropriate for the district; or
- (ii) on the ground, in the case of a request by a majority mentioned in paragraph (b) above, that in the opinion of the Commission the holder of the certificate is likely to perform functions by virtue of the certificate wholly or mainly within the area in question and that, apart from him, the number of persons who hold pilots' licences by virtue of which functions are in the opinion of the Commission performed wholly or mainly in that area and the number of persons who hold pilotage certificates by virtue of which functions are in the opinion of the Commission so performed are in the opinion of the Commission appropriate for that area,

the Secretary of State may, after giving to the holder of the certificate and the authority an opportunity of making representations in writing to him about the request, give to the holder a notice in writing revoking the certificate; and the certificate shall cease to have effect when the holder receives the notice.

- (3) The Secretary of State may, by an order made after the expiration of the period of ten years beginning on 4th July 1980 (the date on which section 10 of the Merchant Shipping Act 1979 came into force), repeal subsections (1) and (2) above and subsection (3) of section 25 of this Act (which subsection makes provision consequential on subsections (1) and (2) of this section); and such an order may contain such transitional provisions as the Secretary of State considers are appropriate in connection with the repeal.

22 Provision with respect to foreign certificates of competency

For the purposes of this Act, references to certificates issued under the Merchant Shipping Act 1970 shall be deemed to include references to any certificate of competency granted by the government of a foreign country, being a certificate of a class approved by the Secretary of State for the purpose.