



Pilotage Act 1983

1983 CHAPTER 21

PART I

ADMINISTRATION

Powers of Pilotage Authorities

11 General powers of pilotage authorities

Subject to the provisions of this Act, a pilotage authority may do all such things as may be necessary or expedient for the performance of their powers and duties.

12 Licensing of pilots

- (1) Subject to the provisions of this Act, a pilotage authority may license pilots for their district.
- (2) The required fee shall be payable on the examination for a pilot's licence and on the grant, renewal or alteration of any such licence.

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.

13 Employment of pilots by pilotage authorities

- (1) A pilotage authority shall have and be deemed always to have had—
 - (a) power to employ pilots licensed by the authority and, as assistants for such pilots, persons who are or are not pilots so licensed; and
 - (b) power to make arrangements with shipowners and other persons under which payments are made to the authority in respect of services of persons employed by the authority by virtue of paragraph (a) above.
- (2) If a majority of the persons who for the time being hold pilots' licences for the district of a pilotage authority and are not employed by the authority resolve that the authority

Status: This is the original version (as it was originally enacted).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

shall not be entitled to exercise the power mentioned in subsection (1) above to employ, as pilots or assistants, any pilots licensed by the authority, the authority shall not be entitled to exercise that power until the resolution is revoked by a majority of such persons as aforesaid ; and

- (a) the Secretary of State may by regulations make provision with respect to the passing and revocation of resolutions for the purposes of this subsection and with respect to records of resolutions and of the revocation of them; but
- (b) nothing in the preceding provisions of this subsection shall affect any contract of employment in force when a resolution is passed in pursuance of those provisions.

14 Pilotage charges

- (1) A pilotage authority may make in the prescribed form a list of the charges to be paid, by persons who make use in the district of the authority of the services of a pilot licensed by the authority, for the services of the pilot and in respect of the pilotage services of the district; and without prejudice to the generality of the preceding provisions of this subsection—
 - (a) the charges for the services of a pilot may be or include charges in respect of an assistant for the pilot and in respect of the fees and expenses of the pilot and any assistant of his during periods spent outside the district of the authority in anticipation or in consequence of his activities as a pilot or assistant;
 - (b) the charges for the services of a pilot, in a case where the master of the relevant ship has not complied with the requirements of byelaws made under this Act by the authority about requests for pilots, may be greater than, but not more than one and a half times, the charges for those services in a case where the master has so complied;
 - (c) the charges in respect of the pilotage services of the district may be or include charges in respect of the cost of providing, maintaining and operating pilot boats for the district, charges in respect of other costs of providing and maintaining the pilotage organisation provided by the authority and charges in respect of sums payable or paid by the authority to the Commission by virtue of section 3 of this Act; and
 - (d) the list may provide for the payment of different charges in connection with different circumstances, may provide for a charge which is not paid within a prescribed period after it becomes due to be increased periodically in accordance with a prescribed scale and may alter or cancel any previous list made by the authority by virtue of this section.
- (2) The charges specified in a list made in pursuance of this section shall not be payable in respect of any use of the services of a pilot before the expiration of the period of 28 days beginning with the day when the list was first published in the prescribed manner; and if at any time after that day an objection to the list is made in writing to the Commission in accordance with subsection (3) below the Commission may, after giving the authority which made the list an opportunity of commenting in writing to the Commission on the objection and considering any comments then made by the authority, serve in a prescribed manner on the authority a notice in writing cancelling the list or altering the list in a manner specified in the notice and providing that the cancellation or alteration shall have effect on and after a day so specified which is not earlier than the date of service of the notice.
- (3) An objection to a list must—

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

- (a) be made by—
 - (i) a majority of the pilots licensed for the district to which the list relates by the authority which made the list or, if the objection is to a particular charge in the list, by a majority of those pilots who are customarily employed in providing the services to which the charge relates, or
 - (ii) three or more persons who are owners of ships which are customarily navigated in the district of the authority, or
 - (iii) a dock or harbour authority whose area lies within the district of the authority, or
 - (iv) any other person appearing to the Commission to have a substantial interest in the list; and
 - (b) be so made on one or more of the following grounds, namely—
 - (i) that one or more of the charges in the list should not be payable or should not be payable in a case specified in the objection ;
 - (ii) that the amount of one or more of the charges in the list should be reduced or increased or should be reduced or increased in a case so specified.
- (4) The alteration or cancellation of a list made in pursuance of this section shall not affect charges payable in pursuance of the list in respect of the use of the services of a pilot before the alteration or cancellation took effect.
- (5) If the Secretary of State directs the Commission to give to an authority by which a list has been made in pursuance of this section a notice in writing cancelling the list, or altering it in a manner specified in the direction, with effect from a day so specified, it shall be the duty of the Commission to comply with the direction.
- (6) It shall be the duty of an authority which has made a list in pursuance of this section to send copies of the list to the Secretary of State and the Commission and, unless it has been cancelled, to keep copies of the list, or if it has been altered of the altered list, available during office hours at the principal office of the authority for inspection free of charge and purchase at a reasonable price by members of the public.
- (7) In this section " prescribed " means prescribed by regulations made by the Secretary of State.

15 Power of pilotage authorities to make byelaws

- (1) A pilotage authority may by byelaws made under this Act—
- (a) determine the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character, and otherwise to be required from persons applying to be licensed by them as pilots, provide for the examination of such persons, and fix the term for which a licence is to be in force, and the conditions under which a licence may be renewed ;
 - (b) fix the limit (if any) on the number of pilots to be licensed, and provide for the method in which and the conditions under which the list of pilots is to be filled up;
 - (c) provide generally for the good government of pilots licensed by the authority, and of apprentices, and in particular for ensuring their good conduct and constant attendance to and effectual performance of their duties, whether at sea or on shore ;

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

- (d) determine the system to be adopted with respect to the supply and employment of pilots, and provide, so far as necessary, for the approval, licensing, and working of pilot boats in the district, and for the establishment and regulation of pilot boat companies ;
- (e) provide for the punishment of any breach of any bye laws made by the authority for the good government of pilots or apprentices by the imposition of fines not exceeding—
 - (i) in England and Wales and in Scotland, £20 ;
 - (ii) in Northern Ireland, £50. Such fines to be recoverable as fines are recoverable under the Merchant Shipping Acts 1894 to 1981;
- (f) provide for the collection (either before or after the performance of services to which they relate) and for the distribution of pilotage charges;
- (g) if, and so far as, it appears to the authority to be generally desired by the pilots concerned, provide for the pooling of pilotage charges earned by the licensed pilots or by any class of pilots in the district;
- (h) provide for a deduction to be made from any sums received by pilots of any contributions required for any fund established for the payment of pensions or other benefits to pilots, their widows or children (in this Act referred to as a pilots' benefit fund);
- (i) establish, either alone or in conjunction with any other pilotage authority, pilots' benefit funds, and provide for the direct payment to any such fund of any contributions by pilots towards the fund, or of any part of the ordinary receipts of the pilotage authority, and also for the administration of any such fund and for the conditions of participation in any such fund ;
- (j) provide for the method of conducting the examination of masters and first mates applying for pilotage certificates so as to maintain a proper standard of efficiency;
- (k) prohibit 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 may be specified in the byelaws ;
- (l) provide that a pilotage certificate shall not be renewed without re-examination unless the master or first mate has made not less than a specified number of visits to the port as master or first mate of any ship in respect of which the certificate is granted ;
- (m) if the pilotage authority are an authority authorised to grant deep sea certificates by virtue of a pilotage order made with reference to that authority, provide for the grant of deep sea certificates ;
- (n) apply, with any necessary modifications, any byelaws made under this section for the good government of pilots and the punishment of any breach of any such byelaws to masters and mates holding pilotage certificates ;
- (o) fix the fees payable on the examination for a pilot's licence, or for a pilotage certificate, and on the grant, renewal, or alteration of any such licence or certificate ;
- (p) require the owners of ships, whose masters or first mates hold pilotage certificates, to contribute towards the pilot fund or account of the pilotage district, and require the holders of such certificates to make a periodical return to them of the pilotage services rendered by them ; but the contribution so required from an owner shall not exceed such proportion of the pilotage charges which would have been payable in respect of the ship if the master or

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

- first mate had not held a pilotage certificate, as may be fixed by the Secretary of State;
- (q) provide for any matter for which provision is to be made or may be made under this Act by byelaw.
- (2) Nothing in paragraph (e) of subsection (1) above prejudices the powers of a pilotage authority under this Act to revoke or suspend a licence in the case of any breach of any byelaw made by the authority.
- (3) A byelaw shall not take effect unless it has been submitted to the Secretary of State and confirmed by him with or without modifications.
- (4) Notice of any byelaw proposed to be submitted for confirmation under this section shall, before it is so submitted, be published in such manner as the Secretary of State directs.
- (5) A byelaw may make different provision for different circumstances.

16 Power of Secretary of State as respects byelaws

- (1) If at any port either—
- (a) a majority of the licensed pilots belonging to the port; or
 - (b) not less than 6 persons, being masters, owners, or insurers of vessels using the port; or
 - (c) a dock or harbour authority not being the pilotage authority; or
 - (d) the Commission;
- object to any byelaw in force at the port, or desire that any byelaw should be in force at the port which is not in force therein, they may make a representation to the Secretary of State to that effect.
- (2) If (after he has given the pilotage authority concerned and, if he thinks fit, any other persons an opportunity to make representations on the subject) the representation appears to the Secretary of State reasonable, he may by order—
- (a) revoke, vary or add to any byelaw to which the representation objects, or
 - (b) require the pilotage authority concerned to submit to him for confirmation a byelaw for the purpose of giving effect to the representation.
- (3) Any byelaw revoked by any such order shall cease to have effect, and any byelaw to which additions are made or which is varied or added to, shall have effect with the variations or additions made by the order.
- (4) If a pilotage authority fail to submit to the Secretary of State for confirmation a byelaw in accordance with an order made under this section, the Secretary of State may treat the byelaw which he has required the pilotage authority to submit to him as a byelaw submitted to him by the authority, and confirm it accordingly, and the byelaw so confirmed shall have effect as if it had been made and confirmed in accordance with this Act.