



Pilotage Act 1983

1983 CHAPTER 21

PART I

ADMINISTRATION

Supplementary Provisions as to Licences and Certificates

23 Form of pilot's licence and production and return of licence to pilotage authority

- (1) A pilot's licence shall be in a form approved for the time being by the Secretary of State.
- (2) A licensed pilot shall, when required by the pilotage authority by whom the licence has been granted, produce his licence to the authority, and, in a case where his licence is revoked or suspended, shall deliver up his licence to the authority.
- (3) On the death of a licensed pilot, the person into whose hands his licence comes shall without delay transmit it to the pilotage authority by whom it was granted.
- (4) If any licensed pilot or other person fails without reasonable excuse, 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 3 on the standard scale,
 - (b) in Northern Ireland, £200.

24 Suspension or revocation of a pilot's licence or a pilotage certificate

- (1) A pilotage authority may suspend or revoke any pilot's licence or any pilotage certificate granted by them if it appears to them, after giving the holder thereof an opportunity of being heard.—
 - (a) that he has been guilty of any offence under this Act, or
 - (b) that he has been guilty of any breach of any byelaw made by the authority, or
 - (c) that he has been guilty of any other misconduct affecting his capability as a pilot, or

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- (d) that he has failed in or neglected his duty as a pilot, or
- (e) that he has become incompetent to act as pilot;

and a licence or certificate, if so revoked, shall cease to have effect, and, if so suspended, shall cease to have effect for the period for which it is suspended.

- (2) In any case where pilots are directly represented on a committee of a pilotage authority, that committee may, until a pilotage order is made regulating the relations between the authority and the committee, exercise the powers conferred on a pilotage authority by this section with respect to pilots' licences as though they were the pilotage authority.

25 Appeal to Secretary of State by pilot, master or first mate, against action of pilotage authority

- (1) If a complaint is made to the Secretary of State that a pilotage authority have—
 - (a) without reasonable cause refused or failed to examine any candidate for a pilot's licence, or a master or first mate for a pilotage certificate, or to grant such a licence or certificate after examination ; or
 - (b) conducted any examination for a pilot's licence or a pilotage certificate improperly or unfairly; or
 - (c) imposed conditions on the granting of a pilot's licence or a pilotage certificate which they have no power to impose or which are unreasonable ; or
 - (d) without reasonable cause refused or failed to renew a pilotage certificate, or, having obtained possession of any such certificate, refused or failed to return it; or
 - (e) without reasonable cause suspended or revoked a pilotage certificate; or
 - (f) in any other manner failed properly to perform their duties under this Act with respect to the matters above-mentioned in this section, or improperly exercised any of their powers under this Act with respect to those matters;

the Secretary of State shall consider the complaint, and if he is of the opinion that the complaint is in any respect well founded, shall make such order as he thinks fit for the purpose of redressing the matter complained of, and the pilotage authority shall give effect to any order so made by the Secretary of State.

- (2) The Secretary of State may—
 - (a) before he considers a complaint as required by subsection (1) above, ask the 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.
- (3) For the purposes of subsection (1)(a) above a pilotage authority shall have reasonable cause for refusing or failing to grant a pilotage certificate if by virtue of section 21 of this Act the authority are not obliged to grant it.
- (4) If a pilotage authority refuse or fail to give effect to any order of the Secretary of State under subsection (1) above, the Secretary of State may, for the purpose of giving effect to the order, exercise any powers of the pilotage authority, and anything done by the Secretary of State in the exercise of those powers shall have the same effect as if it had been done by the pilotage authority.

26 Appeal to court by pilot against action of pilotage authority

- (1) A pilot may appeal to the relevant court against—

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- (a) the suspension or revocation of his licence by the pilotage authority,
 - (b) the refusal or failure of the pilotage authority to renew his licence,
 - (c) the refusal or failure of the pilotage authority who have obtained possession of his licence to return it to him,
 - (d) the imposition upon him by the pilotage authority of a fine exceeding £2.
- (2) In this section the expression "the relevant court" means—
- (a) in the case of an appeal by a pilot licensed for a district in England or Wales, either a judge of county courts having jurisdiction within the port for which the pilot is licensed or a stipendiary magistrate having jurisdiction within that port; and the expression "stipendiary magistrate" includes a metropolitan stipendiary magistrate,
 - (b) in the case of an appeal by a pilot licensed for a district in Scotland, the sheriff having jurisdiction at the port where the decision is given,
 - (c) in the case of an appeal by a pilot licensed for a district in Northern Ireland, either a judge of the county court having jurisdiction within the port for which the pilot is licensed or a court of summary jurisdiction having jurisdiction within that port,
- and the expression " court " shall be construed accordingly.
- (3) For the purpose of hearing the appeal, the court shall sit with an assessor of nautical and pilotage experience selected and summoned by the court.
- (4) Objection may be taken to any person proposed to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.
- (5) The court may confirm or reverse the suspension or revocation of the licence, or make such order in the case as may seem just, and its decision shall be final, unless special leave to appeal from the same to the High Court on a question of law or a question of mixed law and fact is given by the court, or by the High Court, and in such case the decision of the High Court shall be final.
- In the application of this subsection to Scotland, references to the Court of Session shall be substituted for references to the High Court.
- (6) The costs incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.
- (7) Rules of Court with respect to the procedure under this section (including costs and the remuneration of assessors) may be made, with the concurrence of the Treasury as to fees.

This subsection does not extend to Northern Ireland.