

SCHEDULES

SCHEDULE 1

Section 2(3).

FURTHER PROVISIONS RELATING TO CONSTITUTION ETC. OF PILOTAGE COMMISSION

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.

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.

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.
- 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.

Status: This is the original version (as it was originally enacted).

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.

SCHEDULE 2

Section 69(1).

TRANSITIONAL AND SAVING PROVISIONS

Byelaws

- 1 Notwithstanding the repeal by this Act of section 8(2) of the Merchant Shipping Act 1979, any byelaws in force immediately before 4th July 1980 (the date of commencement of section 8(1)(b) of the Merchant Shipping Act 1979) by virtue of section 11(4) of the Pilotage Act 1913 shall, if in force immediately before the commencement of this Act, continue in force thereafter and may be revoked as if the said subsection (4) were still in force.
- 2 Notwithstanding the repeal by this Act of section 9(8) of the Merchant Shipping Act 1979, any byelaws made before 1st September 1980 (the date of commencement of section 9(8) of the Merchant Shipping Act 1979) by a pilotage authority by virtue of section 17(1)(0 of the Pilotage Act 1913 shall, if in force immediately before the commencement of this Act, continue in force but—
- (a) may be revoked by byelaws made by the authority and confirmed by the Secretary of State ; and
 - (b) shall not apply to services provided or to be provided after the date when charges first became payable by reference to a list made by the authority in pursuance of section 9 of the Merchant Shipping Act 1979 or section 14 of this Act.

Acts confirming pilotage orders

- 3 Any Act confirming a pilotage order made under an enactment repealed by this Act and in force immediately before the commencement of this Act may be repealed, altered or amended by a pilotage order made under this Act.

Penalties

- 4 Notwithstanding the repeal by this Act of section 13(4) of the Merchant Shipping Act 1979, that subsection (which makes transitional provision relating to the alteration, by virtue of subsections (1), (2) and (3) of that section, of punishments

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specified in the Pilotage Act 1913) continues to have effect in relation to the punishment for any offence committed before 1st January 1980 (being the date on which the provisions to which that subsection relates came into force).

Licences and certificates

5 Nothing in paragraph (a) of section 20(2) of this Act affects the validity or prevents the renewal of any pilotage certificate in force immediately before 4th July 1980 (the commencement date of paragraph 8(1)(b) of Schedule 2 to the Merchant Shipping Act 1979) in respect of a ship which is not registered under the law of a member State of the Economic Community.

6 Any licence or certificate granted under any enactment repealed by this Act shall, subject to the provisions of this Act, continue in force as if it had been made or granted under this Act.

Appointments etc.

7 Any officer appointed, any body elected or constituted and any office established under any enactment repealed by this Act shall continue and be deemed to have been appointed, elected, constituted or established, as the case may be, under this Act.

Sections 55(4) and 58(2)

8 Nothing in any order made in pursuance of section 55(4) or section 58(2) of this Act shall affect the operation of either of those sections in relation to any occurrence which took place before the coming into force of any such order.

Orders under sections 18(1), 22(4) and 27(1) of the Pilotage Act 1913

9 The repeal by this Act of sections 18(1), 22(4) and 27(1) of the Pilotage Act 1913 does not affect the operation of any order made under any of those provisions.

Periods of time

10 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

SCHEDULE 3

Section 69(2).

AMENDMENTS

The Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939

1 In section 4(4) of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 for the words "section thirty eight of the Pilotage Act 1913" there shall be substituted the words " section 45 of the Pilotage Act 1983 " .

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The Merchant Shipping Act 1950

- 2 In section 7(1) of the Merchant Shipping Act 1950, the definition of " pilotage authority " shall be omitted.

The Hovercraft Act 1968

- 3 The enactments and instruments with respect to which provision may be made by an Order in Council under section 1(1)(h) of the Hovercraft Act 1968 shall include this Act and any instrument made under it.

The Finance Act 1971

- 4 In Part VI of Schedule 14 to the Finance Act 1971, the entry relating to the Pilotage Act 1913 shall be omitted.

The Offshore Petroleum Development (Scotland) Act 1975

- 5 In section 18 of the Offshore Petroleum Development (Scotland) Act 1975 for paragraph (c) there shall be substituted the following paragraph—
“(c) the Pilotage Act 1983 ;”

The Customs and Excise Management Act 1979

- 6 In Part I of the Table in Schedule 4 to the Customs and Excise Management Act 1979 the entry relating to the Pilotage Act 1913 shall be omitted.

The Merchant Shipping Act 1979

- 7 In section 50(2) of the Merchant Shipping Act 1979 in the definition of " the Merchant Shipping Acts " after the word " 1977 " there shall be inserted the words " and the Pilotage Act 1983 " .

The Justices of the Peace Act 1979

- 8 In section 33(3) of the Justices of the Peace Act 1979 in paragraph (b) for the words " section 28 of the Pilotage Act 1913 " there shall be substituted the words " section 26 of the Pilotage Act 1983 " .

The Magistrates' Courts Act 1980

- 9 In Part III of Schedule 6 to the Magistrates' Courts Act 1980 in paragraph 4 for the words " section 28 of the Pilotage Act 1913 " there shall be substituted the words " section 26 of the Pilotage Act 1983 " .

The Finance Act 1980

- 10 In section 35(4) of the Finance Act 1980 for the words " section 17(1)(j) of the Pilotage Act 1913 " there shall be substituted the words " section 15(1)(i) of the Pilotage Act 1983 " .

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The Oil and Gas (Enterprise) Act 1982

- 11 In section 27(2)(a) of the Oil and Gas (Enterprise) Act 1982 after the word " 1979" there shall be inserted the words " the Pilotage Act 1983, " .

SCHEDULE 4

Section 69(3).

REPEALS

| Chapter | Short Title | Extent of Repeal |
|----------------------|--|--|
| 2 & 3 Geo. 5. c. 31. | The Pilotage Act 1913. | The whole Act. |
| 1936 c. 36. | The Pilotage Authorities (Limitation of Liability) Act 1936. | The whole Act. |
| 1950 c. 9. | The Merchant Shipping Act 1950. | In section 7(1), the definition of " pilotage authority ". |
| 1971 c. 68. | The Finance Act 1971. | In Part VI of Schedule 14, the entry relating to the Pilotage Act 1913. |
| 1979 c. 2. | The Customs and Excise Management Act 1979. | In Part I of the Table in Schedule 4, the entry relating to the Pilotage Act 1913. |
| 1979 c. 39. | The Merchant Shipping Act 1979. | Sections 1 to 13. Schedule 2. In Schedule 5, paragraph 2. In Schedule 7, in Part II, the entries relating to the Pilotage Act 1913. |