



Pilotage Act 1987

1987 CHAPTER 21

PART I

PILOTAGE FUNCTIONS OF COMPETENT HARBOUR AUTHORITIES

Preliminary

1 Meaning of “competent harbour authority” and “harbour”.

- (1) Subject to the following provisions of this section, in this Act “competent harbour authority” means any harbour authority—
 - (a) which has statutory powers in relation to the regulation of shipping movements and the safety of navigation within its harbour; and
 - (b) whose harbour falls wholly or partly within an active former pilotage district; and references to a harbour authority’s harbour are to the area or areas inside the limits of which its statutory powers and duties as a harbour authority are exercisable but, where there are two or more separate such areas, include only those areas which fall wholly or partly within an active former pilotage district.
- (2) In this Act any reference to a former pilotage district is to a district which was a pilotage district within the meaning of the ^{M1}Pilotage Act 1983 immediately before the day appointed for the coming into force of this Part of this Act (“the appointed day”) and for the purposes of subsection (1) above such a district is an active district if—
 - (a) at least one act of pilotage was performed there in 1984, 1985, 1986 or 1987 in respect of which information was given by the pilotage authority for the district in a return made by it under section 19 of that Act; or
 - (b) a certificate granted under section 20 of that Act (masters’ and first mates’ pilotage certificates) was in force in respect of the district at any time in any of those years in respect of which information was so given.
- (3) If the Secretary of State considers that in the interests of efficiency and safety of navigation a competent harbour authority should exercise pilotage functions both as respects its harbour and another area, he may by order provide—

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- (a) that this Act shall apply to that authority as if its harbour included that other area; and
 - (b) in a case where the other area is or falls within the harbour of another competent harbour authority, that that other authority shall not be a competent harbour authority for the purposes of this Act.
- (4) A harbour authority which is not a competent harbour authority may apply to the Secretary of State to be treated for the purposes of this Act as such an authority and on such an application the Secretary of State may by order provide that the applicant shall be a competent harbour authority for the purposes of this Act.
- (5) The Secretary of State may by order amend or revoke an order made under subsection (3) or (4) above if it appears to him to be appropriate to do so having regard to any change of circumstances which has occurred since the order was made.
- (6) The Secretary of State shall maintain a list of the authorities which are for the time being competent harbour authorities for the purposes of this Act.
- (7) Before making an order under this section the Secretary of State shall inform the persons he considers may be affected by the order of the terms of the proposed order and that they may within such reasonable period as he may specify object to the making of the order by giving him notice in writing.
- (8) Where any person has duly objected under subsection (7) above to the making of a proposed order and has not withdrawn his objection, then if the Secretary of State makes an order in that form (or a substantially similar form) it shall be subject to special parliamentary procedure, and the ^{M2}Statutory Orders (Special Procedure) Act 1945 shall have effect accordingly, but as if—
- (a) sections 2 and 10(2) of that Act (which relate to preliminary proceedings) were omitted; and
 - (b) that Act extended to Northern Ireland and, in the application of section 7(3) of that Act to Northern Ireland, for any reference to a local authority and the Secretary of State there were substituted respectively a reference to a district council and the Department of the Environment for Northern Ireland.
- (9) For the purposes of subsection (1) above “harbour authority” does not include—
- (a) any authority excluded by virtue of section 58 of the ^{M3}Harbours Act 1964 from being taken as a harbour authority for the purposes of that Act;
 - (b) a Queen’s harbour master; or
 - (c) any own account operator.
- (10) For the purposes of subsection (1)(a) above powers exercisable by the harbour master for a harbour shall be taken to be exercisable by the harbour authority which appointed him.
- (11) In this section “own account operator” means a statutory harbour undertaker within the meaning of section 42 of the Harbours Act 1964 or a harbour authority within the meaning of the ^{M4}Harbours Act (Northern Ireland) 1970 whose activities in the harbour in question relate wholly or mainly to ships resorting to the harbour wholly or mainly for the purpose of bringing or receiving goods which—
- (a) have been manufactured or produced by the statutory harbour undertaker or, as the case may be, the harbour authority or any connected person; or
 - (b) are to be used by him or any connected person for the manufacture or production of goods or electricity;

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and for the purposes of this subsection a person is connected with a statutory harbour undertaker or, as the case may be, harbour authority, if he is a holding company or subsidiary of the undertaker, or authority, or a member of a consortium the members of which between them own, directly or indirectly, more than half the issued share capital of the undertaker or authority.

Marginal Citations

- M1** 1983 c. 21.
- M2** 1945 c. 18.
- M3** 1964 c. 40.
- M4** 1970 c.1 (N.I.).

Provision of pilotage services

2 General duties as to provision of pilotage services.

- (1) Each competent harbour authority shall keep under consideration—
 - (a) whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbour; and
 - (b) whether in the interests of safety pilotage should be compulsory for ships navigating in any part of that harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.
- (2) Without prejudice to the generality of subsection (1) above, each competent harbour authority shall in performing its functions under that subsection have regard in particular to the hazards involved in the carriage of dangerous goods or harmful substances by ship.
- (3) Each competent harbour authority shall provide such pilotage services as it considers need to be provided as mentioned in subsection (1)(a) and (b) above.

3 Authorisation of pilots.

- (1) Subject to subsection (3) and section 4 below, a competent harbour authority may authorise such persons to act as pilots in or in any part of the area in relation to which its duty under section 2(1) above is exercisable as it considers are suitably qualified to do so; and such an authorisation shall specify the area within which it has effect and may specify that it only has effect in relation to ships of a particular description.
- (2) The authority may determine the qualifications in respect of age, physical fitness, time of service, local knowledge, skill, character and otherwise to be required from persons applying for authorisation and provide for the examination of such persons; and different qualifications may be required from persons who immediately before the appointed day were the holders of licences under section 12 of the ^{M5}Pilotage Act 1983, time-expired apprentice pilots or recognised assistant pilots.
- (3) During the period of four years beginning with the appointed day a competent harbour authority shall not authorise any persons who were not immediately before the appointed day holders of full licences (that is to say, licences under that section other than licences for a limited period which are not renewable) unless the number

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of such persons applying to be authorised under this section who have the required qualifications falls short of the number the authority considers are required to be authorised.

- (4) If at any time during that period there is such a shortfall, the competent harbour authority shall not authorise any person who was not immediately before that day a time-expired apprentice pilot or a recognised assistant pilot unless the number of such apprentice and assistant pilots applying to be authorised who have the required qualifications also falls short of that number.
- (5) A competent harbour authority may suspend or revoke an authorisation granted by it under this section if it appears to it—
- (a) that the authorised person has been guilty of any incompetence or misconduct affecting his capability as a pilot;
 - (b) that the authorised person has ceased to have the qualifications required from persons applying for authorisation by it under this section or has failed to provide evidence that he continues to have those qualifications;
 - (c) that the number of persons for the time being authorised by it under this section exceeds the number required to be authorised; or
 - (d) that it is appropriate to do so by virtue of the termination of any contract or other arrangement under which the services of pilots are provided within its harbour;

but the authorisation of a person who provides his services as a pilot under a contract for services may not be revoked by an authority by virtue of paragraph (c) above unless it gave him notice before the appointed day that the number of persons it proposed to authorise exceeded the number required to be authorised and it proposed to revoke his authorisation after allowing him a reasonable period from the appointed day to seek authorisation by another competent harbour authority.

- (6) Before suspending or revoking an authorisation under subsection (5)(a) or (b) above, a competent harbour authority shall give written notice of its intention to do so to the authorised person, stating the reasons for which it proposes to act, and shall give him a reasonable opportunity of making representations.
- (7) Where a competent harbour authority suspends or revokes an authorisation of any person by virtue of paragraph (c) or (d) of subsection (5) above, it shall give him notice in writing—
- (a) stating that the suspension or revocation was by virtue of that paragraph; and
 - (b) specifying the duration of the authorisation in question and any previous authorisations granted to that person by the authority.
- (8) If any person who is not an authorised pilot for an area describes himself whilst he is in that area as being such a pilot or so holds himself out as to indicate or be reasonably understood to indicate that he is such a pilot, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) A person who is an authorised pilot for a harbour for which the competent harbour authority is a local authority shall not by reason of his holding any office or employment as a pilot be disqualified for being a member of any committee of that local authority with any functions in respect of which knowledge or experience relevant to pilotage is material or for being a representative of the local authority on a joint committee of the authority and another authority with such functions.
- (10) In this section—

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“local authority” means—

- (a) in England and Wales, a local authority within the meaning of the ^{M6}Local Government Act 1972;
- (b) in Scotland, a local authority within the meaning of the ^{M7}Local Government (Scotland) Act 1973; and
- (c) in Northern Ireland, a district council;

“time-expired apprentice pilot” means a person who has served the full term of his apprenticeship as a pilot but is not the holder of a licence under section 12 of the ^{M8}Pilotage Act 1983;

“recognised assistant pilot” means a person who acts as an assistant to pilots in a pilotage district and is recognised as such an assistant by the pilotage authority for the district but is not the holder of such a licence.

Marginal Citations

- M5** 1983 c. 21.
- M6** 1972 c. 70.
- M7** 1973 c. 65.
- M8** 1983 c. 21.

4 Employment etc. of authorised pilots.

- (1) Subject to subsection (2) below, a competent harbour authority may make such arrangements as it considers appropriate for the provision of the services of authorised pilots in the area in relation to which its duty under section 2(1) above is exercisable (whether under a contract of employment or a contract for services).
- (2) A competent harbour authority shall offer to employ under a contract of employment any person it authorises under section 3 above who is not already employed by it under such a contract (“the new pilot”) unless—
 - (a) a majority of the relevant licence holders have agreed during the period beginning six months and ending three months before the appointed day that it need not do so; or
 - (b) a majority of the relevant authorised pilots have agreed on or after that day that it need not do so.
- (3) For the purposes of subsection (2) above—

“relevant licence holders” means—

 - (a) in the case of a competent harbour authority whose harbour falls within more than one former pilotage district, the persons who at the time of the agreement were holders of full licences (within the meaning of section 3(3) above) for the pilotage district in which the area for which the new pilot is authorised falls;
 - (b) in the case of a competent harbour authority whose harbour falls within a former pilotage district in which another such authority’s harbour also falls, the persons who at that time were holders of such licences for that district and, in the opinion of the Pilotage Commission, were then regularly providing their services as pilots within the part of the district in which the first-mentioned authority’s harbour is situated;

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- (c) in any other case, all the persons who at that time were the holders of such licences for the former pilotage district in which the competent harbour authority’s harbour falls; and

“relevant authorised pilots” means—

- (i) in the case mentioned in paragraph (a) above, the persons who at the time of the agreement are authorised pilots for the area for which the new pilot has been authorised; and
- (ii) in any other case the persons who at that time are authorised pilots for the harbour of the authority.

- (4) A competent harbour authority may refuse to authorise any person who is not willing to provide his services as a pilot in accordance with the arrangements made for the provision of such services in its area.

- (5) A competent harbour authority may pay into any pilots’ benefit fund established under paragraph (i) of section 15(1) of the ^{M9}Pilotage Act 1983 such contributions as may be required by the rules governing that fund in respect of any authorised pilot providing his services under such arrangements as mentioned in subsection (1) above.

Marginal Citations
M9 1983 c. 21.

5 Temporary procedure for resolving disputes as to terms of employment.

- F1(1)
- F1(2)
- F1(3)
- F1(4)
- F1(5)
- F1(6)
- F1(7)

- (8) The preceding provisions of this section shall cease to have effect on such date (not being earlier than the expiry of the period of three years beginning with the appointed day) as the Secretary of State may by order prescribe, but no such order shall affect the terms of any contract continuing in force at that date.

Subordinate Legislation Made
P1 S. 5(8) power fully exercised: 1.10.1991 appointed by S.I. 1991/1959

Textual Amendments
F1 S. 5(1) to (7) ceased to have effect (1.10.1991) by virtue of S.I. 1991/1959, arts.2, 3.

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6 Pilot boats.

- (1) Ships regularly employed in pilotage services provided by or on behalf of any competent harbour authority (in this Act referred to as “pilot boats”) shall—
 - (a) if they are operated by the authority, be approved by the authority; and
 - (b) otherwise be licensed by it;and the authority shall not approve or license any ship under this subsection unless it is satisfied that it is suitable for use as a pilot boat.
- (2) A competent harbour authority shall make such other provision as it considers necessary for the operation of pilot boats.

Compulsory pilotage

7 Pilotage directions.

- (1) Subject to the provisions of this section, if a competent harbour authority considers that in the interests of safety it should do so, it shall direct that pilotage shall be compulsory for ships navigating in any area or part of an area in relation to which its duty under section 2(1) above is exercisable; and such a direction is referred to in this Act as a “pilotage direction”.
- (2) A pilotage direction—
 - (a) may, subject to subsection (3) below, apply to all ships or all ships of a description specified in the direction (subject to any exceptions there specified);
 - (b) shall specify the area and circumstances in which it applies;
 - (c) may specify the circumstances in which an authorised pilot in charge of a ship to which it applies is to be accompanied by an assistant who is also an authorised pilot; and
 - (d) may contain such supplementary provisions as the authority considers appropriate.
- (3) A pilotage direction shall not apply to ships of less than 20 metres in length or to fishing boats of which the registered length is less than 47.5 metres.
- (4) Before giving a pilotage direction a competent harbour authority shall consult—
 - (a) the owners of ships which customarily navigate in the area to which the proposed direction would apply; and
 - (b) any other persons who carry on harbour operations within the harbour of the authority;or, in either case, such persons as it considers to be representative of them.
- (5) If a competent harbour authority considers that pilotage should be compulsory for ships navigating in any area outside its harbour it shall apply for a harbour revision order to be made under section 14 of the ^{M10}Harbours Act 1964, or in Northern Ireland a harbour order under section 1 of the ^{M11}Harbours Act (Northern Ireland) 1970, to extend the limits within which the authority has jurisdiction for the purposes of pilotage to include that area and a pilotage direction given by it shall not apply to that area unless the limits have been so extended.

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- (6) A competent harbour authority shall arrange for any pilotage direction given by it to be published in such manner as to bring it to the notice of those persons likely to be interested.

Marginal Citations

M10 1964 c. 40.

M11 1970 c. 1 (N.I.).

8 Pilotage exemption certificates.

- (1) Subject to subsection (3) below, a competent harbour authority which has given a pilotage direction shall, on application by any person who is bona fide the master or first mate of any ship, grant a certificate (in this Act referred to as a “pilotage exemption certificate”) to him if it is satisfied (by examination or by reference to such other requirements as it may reasonably impose)—
- (a) that his skill, experience and local knowledge are sufficient for him to be capable of piloting the ship of which he is master or first mate (or that and any other ships specified in the certificate) within its harbour or such part of its harbour as may be so specified; and
 - (b) in any case where it appears to the authority to be necessary in the interests of safety, that his knowledge of English is sufficient for that purpose.
- (2) The requirements imposed under subsection (1) above—
- (a) must not be unduly onerous having regard to the difficulties and danger of navigation in the harbour in question; and
 - (b) must not be more onerous than those required to be met by a person (other than a person who immediately before the appointed day was the holder of a licence under section 12 of the Pilotage Act 1983 or a time-expired apprentice pilot or recognised assistant pilot within the meaning of section 3 above) applying to the authority for authorisation under section 3 above.
- (3) If the Secretary of State is satisfied, on application by a competent harbour authority, that it is appropriate to do so by reason of the unusual hazards involved in shipping movements within its harbour, he may direct that during such period (not exceeding three years) as he may specify, notwithstanding that the authority is satisfied as mentioned in subsection (1) above, it may refuse to grant pilotage exemption certificates under that subsection.
- (4) Where a direction is given in respect of a competent harbour authority under subsection (3) above any pilotage exemption certificate granted by the authority shall cease to have effect and the authority shall notify the holders of such certificates of that fact.
- (5) A pilotage exemption certificate shall not remain in force for more than one year from the date on which it is granted, but—
- (a) if the holder continues to be the master or first mate of a ship, may be renewed annually by the competent harbour authority on application by the holder if the authority continues to be satisfied as mentioned in subsection (1) above; and

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- (b) on the application of the holder may be altered so as to refer to different ships from those to which it previously referred if the authority is so satisfied as respects those ships.
- (6) A competent harbour authority may suspend or revoke a certificate granted by it under this section if it appears to it that the holder has been guilty of any incompetence or misconduct affecting his capability to pilot the ship of which he is master or first mate or any other ships specified in the certificate.
- (7) Before refusing an application by any person under this section for the grant, renewal or alteration of a certificate or suspending or revoking a certificate held by any person a competent harbour authority shall give him written notice of its intention to do so, stating the reasons for which it proposes to act, and shall give him a reasonable opportunity of making representations.
- (8) A competent harbour authority may charge such fees in respect of any examination required to be taken for the purposes of this section or the grant, renewal or alteration of any pilotage exemption certificate as the authority considers reasonable for the purposes of meeting its administrative costs in connection therewith.

9 Prevention of discrimination in favour of authority's ships.

A competent harbour authority shall secure that any ship owned or operated by it and used by it in the exercise of its functions otherwise than under this Act is subject to the same obligations as respects pilotage whilst navigating within its harbour as any other ship.

Charging by authorities

10 Pilotage charges.

- (1) A competent harbour authority may make reasonable charges in respect of the pilotage services provided by it.
- (2) Without prejudice to the generality of subsection (1) above, the charges to be made under that subsection may include—
 - (a) charges for the services of a pilot authorised by the authority;
 - (b) charges in respect of any expenses reasonably incurred by such a pilot in connection with the provision of his services as a pilot;
 - (c) charges by way of penalties payable in cases where the estimated time of arrival or departure of a ship is not notified as required by the authority or the ship does not arrive or depart at the notified time;
 - (d) charges in respect of the cost of providing, maintaining and operating pilot boats for the area; and
 - (e) charges in respect of any other costs involved in providing and maintaining the pilotage organisation provided by the authority.
- (3) A competent harbour authority which has given a pilotage direction may also make reasonable charges in respect of any ship navigating within the area to which the direction applies under the pilotage of a master or first mate who is the holder of a pilotage exemption certificate in respect of the area and ship in question.
- (4) Different charges may be made under this section in different circumstances.

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- (5) A competent harbour authority shall arrange for the charges to be made by it under this section to be published in such manner as to bring them to the notice of those persons likely to be interested.
- (6) Subsections (2) to (12) of section 31 of the ^{M12}Harbours Act 1964, or in Northern Ireland subsections (1) and (3) to (11) of section 7 of the ^{M13}Harbours Act (Northern Ireland) 1970, (right of objection to ship, passenger and goods dues) shall apply as respects charges imposed by an authority by virtue of this section as they apply as respects charges to which section 31 or, as the case may be, section 7 applies but—
- (a) with the substitution for the references to the persons mentioned in section 31(2)(a) and (b) and (3)(b) or, as the case may be, section 7(1)(a) and (b) and (3)(b) of references to—
- (i) the owners of ships which customarily navigate in the harbour in question;
- (ii) any persons who carry on harbour operations within that harbour; and
- (iii) any other harbour authority to whose harbour ships obtain access through that harbour,
- or, in any of those cases, persons representative of them; and
- (b) with the omission of section 31(2)(i) and (iii) or, as the case may be, 7(1)(i) and (iii).
- (7) Charges imposed by a competent harbour authority under this section shall be recoverable as a civil debt or in any other manner in which ship, passenger and goods dues are recoverable by the authority.
- (8) In subsection (7) above “ship, passenger and goods dues” has the same meaning as in the Harbours Act 1964 or, in Northern Ireland, the Harbours Act (Northern Ireland) 1970.

Marginal Citations

M12 1964 c. 40.

M13 1970 c. 1 (N.I.)

Agents and joint arrangements

11 Use of agents and joint arrangements.

- (1) A competent harbour authority may arrange for its functions in relation to the provision of pilotage services (other than its functions under sections 2(1), 3(1), 4(2), 6(1)(b), 7(1), 8(1) above or section 28 below or its function of determining the qualifications to be required from persons applying for authorisation under section 3(2) above or any charge to be imposed under section 10(1) or (3) above) to be exercised on its behalf by such other persons as it thinks fit and may establish such companies as it thinks fit to exercise those functions on its behalf.
- (2) A competent harbour authority may arrange for all or any of its functions relating to pilotage other than its duty under section 2(1) above to be exercised on its behalf by another competent harbour authority.

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- (3) Two or more competent harbour authorities may arrange to discharge any of their functions relating to pilotage jointly and such arrangements may provide for the discharge of such functions by a joint committee or any other body established by the authorities for that purpose.
- (4) An authority which has entered into arrangements with another authority under subsection (2) or (3) above may withdraw from the arrangements on giving reasonable notice to the other authority.

12 Information and directions as to joint arrangements.

- (1) Where—
 - (a) the harbours of two or more competent harbour authorities fall wholly or partly within a single former pilotage district;
 - (b) access for ships to the harbour of a competent harbour authority is customarily available through the harbour of another competent harbour authority;
 - (c) there is any person other than the competent harbour authority who carries on harbour operations within the harbour of a competent harbour authority;
 - (d) there is any person who carries on harbour operations in a harbour (within the meaning of the ^{M14}Harbours Act 1964) which is not the harbour of a competent harbour authority and access to which is customarily available through the harbour of a competent harbour authority; or
 - (e) the harbour of a competent harbour authority and a dockyard port (within the meaning of the ^{M15}Dockyard Ports Regulation Act 1865) for which a Queen's harbour master has been appointed under that Act fall wholly or partly within a single former pilotage district,

the Secretary of State may require any of the authorities or, in the case of paragraph (c), (d) or (e) above, the authority concerned to provide him with such information as he may require concerning the arrangements made or proposed by the authorities or authority in question for the provision of pilotage services and that information shall be provided in such form as the Secretary of State may require.

- (2) If the Secretary of State considers that any arrangements of which particulars are provided under subsection (1) above are not satisfactory he may—
 - (a) direct that they shall have effect subject to such modifications as he may specify in the direction; or
 - (b) direct the authorities or authority concerned to make different arrangements.
- (3) If the statement provided under subsection (1) above is to the effect that no arrangements have been made or proposed by the authorities or authority in question for the provision of pilotage services in the area concerned and the Secretary of State considers that such arrangements should be made, he shall direct the authorities or authority in question to make appropriate arrangements.
- (4) Section 11(4) above shall not apply to any arrangements made or modified by virtue of a direction under this section.

Marginal Citations

M14 1964 c. 40.

M15 1865 c.125.

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13 Resolution of disputes between authorities.

- (1) Where any dispute arises between two or more competent harbour authorities concerning—
- (a) arrangements for the provision of pilotage services made by one authority which affect navigation in another authority's harbour;
 - (b) arrangements made by two or more authorities for the discharge of their functions in relation to pilotage jointly; or
 - (c) any statement required to be prepared or arrangements required to be made under section 12 above,
- or between a competent harbour authority and such a person as mentioned in section 12(1)(c), (d) or (e) above concerning arrangements for the provision of pilotage services made by the authority which affect navigation in the harbour of the competent harbour authority or such a statement or arrangement, any party to the dispute may appeal to the Secretary of State.
- (2) On an appeal under subsection (1) above the Secretary of State shall settle the dispute in such manner as he considers appropriate and may in particular direct—
- (a) that such arrangements as are mentioned in that subsection shall not have effect or shall have effect subject to such modifications as he may specify; or
 - (b) in the case of a dispute between two competent harbour authorities, that one authority only shall exercise functions under this Act in relation to any area in respect of which there is a dispute.
- (3) The arrangements mentioned in subsection (1) above include arrangements concerning which a previous dispute has been settled under subsection (2) above and arrangements made or modified by virtue of that subsection.

Accounts

14 Accounts.

- (1) Regulations under section 42 of the ^{M16}Harbours Act 1964 may require any authority to which that section applies which is a competent harbour authority to make available for inspection by the public any statement of accounts required to be prepared by it under that section which relate to the activities of the authority (or any agent of the authority) in relation to pilotage.
- (2) Regulations under section 30(1) of the ^{M17}Harbours Act (Northern Ireland) 1970 may require any harbour authority which is a competent harbour authority to make available for inspection by the public any statement of accounts to which that section applies which relates to any such activities of the authority (or any agent of the authority).
- (3) Where any such activities of a competent harbour authority are carried out on its behalf by any agent, the agent shall furnish the authority with all such information concerning those activities as the authority may reasonably require to fulfil its obligations in relation to any such statement of accounts.

Marginal Citations

M16 1964 c.40.

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M17 1970 c. 1 (N.I.).

Status:

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There are currently no known outstanding effects for the Pilotage Act 1987, Part I.