



Pilotage Act 1987

1987 CHAPTER 21

PART II

GENERAL PROVISIONS CONCERNING PILOTAGE

Limitation of liability

22 Limitation of liability in respect of pilots

- (1) The liability of an authorised pilot for any loss or damage caused by any act or omission of his whilst acting as such a pilot shall not exceed £1,000 and the amount of the pilotage charges in respect of the voyage during which the liability arose.
- (2) For the purposes of subsection (1) above a person shall be deemed to be an authorised pilot notwithstanding that he is acting as a pilot of a ship navigating outside the area in relation to which he is authorised if—
 - (a) he is piloting the ship to that area from a place where pilots authorised for that harbour regularly board ships navigating to it; or
 - (b) he is piloting the ship from that harbour to a place where such pilots regularly leave ships navigating from it; and
 - (c) in either case, the ship is one in respect of which he is authorised.
- (3) Where, without any such personal act or omission by a competent harbour authority as is mentioned in Article 4 of the Convention in Part I of Schedule 4 to the Merchant Shipping Act 1979, any loss or damage to any ship, to any property on board any ship or to any property or rights of any kind is caused by an authorised pilot employed by it, the authority shall not be liable to damages beyond the amount of £1,000 multiplied by the number of authorised pilots employed by it at the date when the loss or damage occurs.
- (4) Where, without any such personal act or omission as mentioned in subsection (3) above by a person providing pilotage services on behalf of a competent harbour authority ("the agent"), any such loss or damage as there mentioned is caused by an authorised pilot employed by him, the agent shall not be liable to damages beyond

Status: This is the original version (as it was originally enacted).

the amount of £1,000 multiplied by the number of authorised pilots employed by him providing pilotage services for that authority at the date when the loss or damage occurs.

- (5) The limit of liability under this section shall apply to the whole of any losses and damages which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person.
- (6) Where any proceedings are taken against any person ("the defendant") for any act or omission in respect of which liability is limited as provided by this section and other claims are or appear likely to be made in respect of the same act or omission, the court in which the proceedings are taken may—
- (a) determine the amount of the liability;
 - (b) upon payment by the defendant of that amount into court, distribute that amount rateably amongst the claimants;
 - (c) stay, or in Scotland sist, any proceedings pending in any other court in relation to the same matter;
 - (d) proceed in such manner and subject to such requirements as the court thinks just—
 - (i) as to making interested persons parties to the proceedings;
 - (ii) as to the exclusion of any claimants whose claims are not made within a certain time;
 - (iii) as to requiring security from the defendant; and
 - (iv) as to payment of any costs.
- (7) Nothing in subsection (3) or (4) above shall affect any liability which may be limited under section 17 or is excluded under section 18 of the Merchant Shipping Act 1979 (liabilities of shipowners).
- (8) A competent harbour authority shall not be liable for any loss or damage caused by any act or omission of a pilot authorised by it under section 3 above by virtue only of that authorisation.
- (9) In this section "the court" means—
- (a) in England and Wales, the High Court;
 - (b) in Scotland, the Court of Session; and
 - (c) in Northern Ireland, the High Court.