



Pilotage Act 1987

1987 CHAPTER 21

PART I

PILOTAGE FUNCTIONS OF COMPETENT HARBOUR AUTHORITIES

Provision of pilotage services

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 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 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.

Status: This is the original version (as it was originally enacted).

- (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—
- "local authority" means—
 - (a) in England and Wales, a local authority within the meaning of the Local Government Act 1972;
 - (b) in Scotland, a local authority within the meaning of the 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 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.