



Merchant Shipping Act 1979

1979 CHAPTER 39

The Pilotage Commission

1 Constitution of Commission

- (1) There shall be a body corporate, to be called the Pilotage Commission (and hereafter in this Act referred to as " the Commission "), which shall be constituted in accordance with the following provisions of this section.
- (2) The Commission shall consist of not less than ten and not more than fifteen persons appointed by the Secretary of State from among the following, namely—
 - (a) licensed pilots;
 - (b) persons appearing to the Secretary of State to have wide practical experience of the management of ships ;
 - (c) persons appearing to the Secretary of State to have wide practical experience of the administration of pilotage services;
 - (d) persons appearing to the Secretary of State to have wide practical experience of the management of docks or harbours;
 - (e) other persons appearing to the Secretary of State to have special knowledge or experience likely to be of value to the Commission in connection with the performance of its functions ;

and it shall be the duty of the Secretary of State to appoint as members of the Commission at least one person from each of the categories of persons mentioned in paragraphs (a) to (d) of this subsection and to appoint one member to be the chairman of the Commission.

- (3) It shall be the duty of the Secretary of State—
 - (a) before appointing as a member a person in any category of persons which is mentioned in paragraphs (a) to (d) of subsection (2) of this section, to consult on the appointment such persons as the Secretary of State considers are representative of the persons in the United Kingdom in the category in question;
 - (b) before appointing as a member a person in the category of persons which is mentioned in paragraph (e) of that subsection, to consult on the appointment—

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- (i) such persons as the Secretary of State considers are representative of the persons in the United Kingdom in all the categories of persons mentioned in the said paragraphs (a) to (d), and
 - (ii) such other persons, if any, as he considers appropriate;
 - (c) before appointing a member to be the chairman of the Commission, to consult on the appointment such persons as the Secretary of State considers are representative of the persons in the United Kingdom in all the categories of persons mentioned in the said paragraphs (a) to (d).
- (4) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission.
- (5) It is hereby declared that the Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.
- (6) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975, after the entry relating to the Performing Right Tribunal there shall be inserted the words " The Pilotage Commission " ; and in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, after the entry relating to the said Tribunal there shall be inserted the words aforesaid.

2 Payments by pilotage authorities to Commission

- (1) The Commission may make a scheme or schemes requiring pilotage authorities to pay to the Commission from time to time, in respect of the expenses of the Commission in performing its functions, such sums as are determined under the scheme or schemes ; and such a scheme—
- (a) may provide for the payment of different sums by different authorities;
 - (b) must contain provision requiring the Commission to indicate how the sums to be payable under the scheme for periods determined under it are related to the Commission's estimates of its expenditure during those periods;
 - (c) may be revoked or varied by a subsequent scheme made by virtue of this subsection ;
- but a scheme made by virtue of this subsection shall not come into force unless it has been confirmed by the Secretary of State.
- (2) It shall be the duty of the Commission, immediately after it has submitted such a scheme to the Secretary of State for confirmation—
- (a) to send a copy of the scheme to each pilotage authority by which sums are to be payable under the scheme; and
 - (b) to publish in a manner approved by the Secretary of State a notice which—
 - (i) states that the scheme has been so submitted, and
 - (ii) specifies a place where a copy of the scheme may be obtained free of charge by any licensed pilot, any harbour authority and any shipowner, and
 - (iii) states that any person mentioned in paragraph (a) or sub-paragraph (ii) above and any person appearing to the Secretary of State to represent any persons so mentioned may, within a period specified in the notice of not less than 42 days beginning with the date of first publication of

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the notice, object to the scheme by giving to the Secretary of State a statement in writing setting out his objections to the scheme and the reasons for the objections.

- (3) The Secretary of State may, after considering any statement of objections and of reasons for objections to a scheme which is given to him by a person and within the period mentioned in paragraph (b)(iii) of the preceding subsection, by order confirm the scheme either without modification or, after consulting the Commission about any modifications he proposes to make to the scheme, with such modifications as he thinks fit; but the Secretary of State shall not have power to make a modification of a scheme which would increase the amount of any sum payable in pursuance of the scheme.
- (4) Any sum payable to the Commission by a pilotage authority in pursuance of a scheme made by virtue of this section may be recovered by the Commission in any court of competent jurisdiction.

3 Other financial provisions relating to Commission

- (1) The Commission may borrow in sterling any sum which it requires for the purpose of carrying out its functions, but the aggregate amount of the principal of sums borrowed by the Commission which is outstanding at any time shall not exceed £200,000 or such larger amount, not exceeding £500,000, as the Secretary of State may specify by order.
- (2) The Secretary of State may out of money provided by Parliament lend to the Commission, with the consent of the Treasury and on such terms as he may determine with the consent of the Treasury, any sum which the Commission has power to borrow in pursuance of the preceding subsection ; and any sum received by the Secretary of State by way of interest on or the payment of a loan made by virtue of this subsection shall be paid into the Consolidated Fund.
- (3) It shall be the duty of the Commission—
 - (a) to keep proper accounts and proper records in relation to the accounts ; and
 - (b) to prepare in respect of the period of 12 months ending with the 31st March in each year a statement of those accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
 - (c) to cause the accounts kept and the statement prepared for each such period to be audited by auditors appointed by the Commission with the approval of the Secretary of State.
- (4) A person shall not be qualified to be appointed as an auditor in pursuance of the preceding subsection unless he is a member of one or more of the following bodies—
 - the Institute of Chartered Accountants in England and Wales;
 - the Institute of Chartered Accountants of Scotland ;
 - the Association of Certified Accountants ;
 - the Institute of Chartered Accountants in Ireland ;
 - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State;but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.

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4 Functions of Commission

- (1) It shall be the duty of the Commission to give to the Secretary of State, and to pilotage authorities, dock and harbour authorities, pilots and shipowners, such advice as the Commission considers appropriate for any of the following purposes, namely—
 - (a) securing by means of pilotage the safety of navigation in ports of and waters off the coasts of the United Kingdom ;
 - (b) ensuring that efficient pilotage services are provided for those ports and waters and, in particular, that suitable equipment is provided in connection with those services;
 - (c) ensuring that the terms of service of pilots providing those services are fair ; and
 - (d) promoting standards, in the qualifications which entitle persons to apply for pilots' licences and in the training of pilots, which are uniform for areas which the Commission considers are of the same kind.
- (2) The Secretary of State may by order confer on the Commission such functions, in addition to the functions conferred on the Commission by this Act, as he considers appropriate for any of the purposes mentioned in the preceding subsection.
- (3) Without prejudice to the generality of the preceding subsection, an order in pursuance of that subsection may in particular provide for the making of schemes under which payments may be made by the Commission for the purpose of compensating pilots and their assistants for loss of employment or reductions in earnings suffered by them in consequence of changes in the organisation of pilotage services or of the granting of pilotage certificates to nationals of member States of the Economic Community other than the United Kingdom.
- (4) The Commission shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions.

5 Annual report

It shall be the duty of the Commission—

- (a) to prepare and publish, as soon as possible after the 31st March in each year, a report on the performance of its functions during the period of 12 months ending with that date;
 - (b) to include in the report a copy of the statement of accounts prepared in respect of that period in pursuance of section 3(3)(b) of this Act and a copy of the auditors' report on the statement and on the accounts to which the statement relates ; and
 - (c) to deliver a copy of the report to the Secretary of State before it is published ;
- and it shall be the duty of the Secretary of State to lay before Parliament copies of each report of which he receives a copy in pursuance of this section.