



Merchant Shipping Act 1979

1979 CHAPTER 39

Other provisions relating to pilotage

9 Pilotage charges

- (1) A pilotage authority may make in the prescribed form a list of the charges to be paid, by persons who make use in the district of the authority of the services of a pilot licensed by the authority, for the services of the pilot and in respect of the pilotage services of the district; and without prejudice to the generality of the preceding provisions of this subsection—
 - (a) the charges for the services of a pilot may be or include charges in respect of an assistant for the pilot and in respect of the fees and expenses of the pilot and any assistant of his during periods spent outside the district of the authority in anticipation or in consequence of his activities as a pilot or assistant;
 - (b) the charges for the services of a pilot, in a case where the master of the relevant ship has not complied with the requirements of byelaws made under this Act by the authority about requests for pilots, may be greater than, but not more than one and a half times, the charges for those services in a case where the master has so complied;
 - (c) the charges in respect of the pilotage services of the district may be or include charges in respect of the cost of providing, maintaining and operating pilot boats for the district, charges in respect of other costs of providing and maintaining the pilotage organisation provided by the authority and charges in respect of sums payable or paid by the authority to the Commission by virtue of section 2 of this Act; and
 - (d) the list may provide for the payment of different charges in connection with different circumstances, may provide for a charge which is not paid within a prescribed period after it becomes due to be increased periodically in accordance with a prescribed scale and may alter or cancel any previous list made by the authority by virtue of this section.
- (2) The charges specified in a list made in pursuance of this section shall not be payable in respect of any use of the services of a pilot before the expiration of the period of 28 days beginning with the day when the list was first published in the prescribed

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manner; and if at any time after that day an objection to the list is made in writing to the Commission in accordance with the following subsection the Commission may, after giving the authority which made the list an opportunity of commenting in writing to the Commission on the objection and considering any comments then made by the authority, serve in a prescribed manner on the authority a notice in writing cancelling the list or altering the list in a manner specified in the notice and providing that the cancellation or alteration shall have effect on and after a day so specified which is not earlier than the date of service of the notice.

- (3) An objection to a list must—
- (a) be made by—
 - (i) a majority of the pilots licensed for the district to which the list relates by the authority which made the list or, if the objection is to a particular charge in the list, by a majority of those pilots who are customarily employed in providing the services to which the charge relates, or
 - (ii) three or more persons who are owners of ships which are customarily navigated in the district of the authority, or
 - (iii) a dock or harbour authority whose area lies within the district of the authority, or
 - (iv) any other person appearing to the Commission to have a substantial interest in the list; and
 - (b) be so made on one or more of the following grounds, namely—
 - (i) that one or more of the charges in the list should not be payable or should not be payable in a case specified in the objection ;
 - (ii) that the amount of one or more of the charges in the list should be reduced or increased or should be reduced or increased in a case so specified.
- (4) The alteration or cancellation of list made in pursuance of this section shall not affect charges payable in pursuance of the list in respect of the use of the services of a pilot before the alteration or cancellation took effect.
- (5) If the Secretary of State directs the Commission to give to an authority by which a list has been made in pursuance of this section a notice in writing cancelling the list, or altering it in a manner specified in the direction, with effect from a day so specified, it shall be the duty of the Commission to comply with the direction.
- (6) It shall be the duty of an authority which has made a list in pursuance of this section to send copies of the list to the Secretary of State and the Commission and, unless it has been cancelled, to keep copies of the list, or if it has been altered of the altered list, available during office hours at the principal office of the authority for inspection free of charge and purchase at a reasonable price by members of the public.
- (7) Any reference to pilotage dues in the Pilotage Act 1913 shall be construed as a reference to charges payable by virtue of this section, and in this section " prescribed " means prescribed by regulations made by the Secretary of State.
- (8) In paragraph (f) of section 17(1) of the Pilotage Act 1913 (which among other things enables byelaws to fix the rates of pilotage dues and to provide for the collection and distribution of them) the words from the beginning to " scales and " shall be omitted and for the words " collection and " there shall be substituted the words " collection

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(either before or after the performance of services to which they relate) and for the " ; but any byelaws made by an authority by virtue of the omitted words and in force immediately before the date when this subsection comes into force shall remain in force on and after that date 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 this section.