



Pilotage Act 1983

1983 CHAPTER 21

PART II

PRINCIPAL PILOTAGE PROVISIONS

Compulsory Pilotage

30 Compulsory pilotage

- (1) On the day appointed under subsection (7) below for the coming into force of this section or for the coming into force for a particular purpose, this section shall be substituted for section 31 of this Act to the extent (if any) specified in the order.
- (2) Subject to subsection (4) below, a ship which is being navigated in a pilotage district in circumstances which the pilotage order for the district specifies as circumstances in which pilotage in the district is compulsory shall be—
 - (a) under the pilotage of a licensed pilot of the district who, in any such case as is specified in byelaws made under this Act by the pilotage authority for the district, is accompanied by an assistant who is also a licensed pilot of the district or, if the byelaws so provide, has a qualification specified in the byelaws ; or
 - (b) under the pilotage of a master or first mate who possesses a pilotage certificate for the district and is bona fide acting as master or first mate of the ship.
- (3) Without prejudice to the generality of subsection (2) above but subject to the following subsection, a ship which is being navigated in a port in a pilotage district at a time when—
 - (a) there is a defect in its hull, machinery or equipment which might affect materially the navigation of the ship; and
 - (b) the pilotage authority for the district have, at the request of the body managing or regulating the port, given notice to the master of the ship stating that the ship is to be under pilotage,

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shall be under such pilotage as is mentioned in paragraph (a) or paragraph (b) of subsection (2) above.

- (4) Subsections (2) and (3) above shall not apply to a ship belonging to Her Majesty, and a pilotage authority may by byelaws under this Act provide that a ship which is of a kind described in the byelaws by reference to its type, size or cargo shall not be required by virtue of the pilotage order for the authority's district to be under such pilotage as is mentioned in subsection (2) above ; and in this Act " excepted ship " means, in relation to a pilotage district, a ship belonging to Her Majesty and any other ship of a kind described in byelaws made by virtue of this subsection by the pilotage authority for the district.
- (5) If any ship is not under pilotage as required by subsection (2) or (3) above, and either—
- (a) the master of the ship has not complied with the requirements of byelaws made under this Act, by the pilotage authority for the district in question, about requests for pilots; or
 - (b) a licensed pilot of the district has offered to take charge of the ship,
- then, subject to the following subsection, the master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding whichever of the following is the greater, namely—
- (i) in England and Wales and in Scotland, level 5 on the standard scale,
 - (ii) in Northern Ireland, £1,000,
- or double the amount of the pilotage charges which would have been payable in respect of the ship if it had been under pilotage as so required and, where the master has not complied as aforesaid, if he had so complied.
- (6) It shall be a defence in proceedings for an offence under subsection (5) above to prove that on the occasion to which the charge relates the ship was being navigated in the pilotage district in question only so far as was necessary to avoid serious danger to the ship.
- (7) This section shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.
- (8) Without prejudice to the generality of subsection (7) above, an order under that subsection may appoint a day for the coming into force of this section in relation only to such pilotage districts as are specified in the order.

31 Compulsory pilotage; transitory provisions

- (1) Every ship (other than an excepted ship) while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving, or making use of any port in the district, and every ship carrying passengers (other than an excepted ship), while navigating for any such purpose as aforesaid in any pilotage district (whether pilotage is compulsory or not compulsory in that district) shall be either—
- (a) under the pilotage of a licensed pilot of the district; or
 - (b) under the pilotage of a master or mate possessing a pilotage certificate for the district who is bona fide acting as master or mate of the ship.
- (2) If any ship (other than an excepted ship) in circumstances in which pilotage is compulsory under this section, is not under pilotage as required by this section, after a licensed pilot of the district has offered to take charge of the ship, the master of that

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ship shall be liable on summary conviction in respect of each offence to a fine not exceeding double the amount of the pilotage charges that (disregarding any increase in the charges attributable to failure to comply with the requirements of byelaws in force in the district about requests for pilots) would have been payable in respect of the ship if it had been under pilotage as so required.

- (3) For the purposes of this Act the following ships are excepted ships: —
- (a) ships belonging to Her Majesty ;
 - (b) fishing vessels of which the registered length is less than 47.5 metres;
 - (c) ferry boats plying as such exclusively within the limits of a harbour authority ;
 - (d) ships of less than fifty tons gross tonnage ;
 - (e) ships exempted from compulsory pilotage by byelaw in force by virtue of paragraph 1 of Schedule 2 to this Act.

32 Exemption from compulsory pilotage of ships belonging to certain public authorities

- (1) Subject to the provisions of this section the provisions of this Act relating to compulsory pilotage shall not apply to tugs, dredgers, sludge-vessels, barges, and other similar craft—
- (a) belonging to or hired by a dock, harbour or water authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within any pilotage district which includes within its limits the whole or any part of the area of the authority; or
 - (b) belonging to a local authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within the pilotage district within which the port to which they belong is situated.
- (2) Where in any pilotage district any of the classes of craft mentioned in subsection (1) above were at the time of the passing of this Act in practice subject to compulsory pilotage, the pilotage authority may by byelaw provide that any of such classes of craft shall continue to be so subject.
- (3) The Secretary of State may by order provide that the provisions of this Act relating to compulsory pilotage shall apply to such of the craft mentioned in subsection (1) above as may be specified in the order.
- (4) Until such day as the Secretary of State may by order appoint, subsection (3) above shall be omitted; and different days may be appointed under this subsection for different purposes.

33 Provision as to ships calling at a port for the purpose only of taking pilot; transitory provisions

- (1) A ship calling at a port in a pilotage district for the purpose only of taking on board or landing a pilot belonging to some other pilotage district shall not, for the purpose of the provisions of this Act relating to compulsory pilotage, be deemed to be navigating in the first-mentioned district for the purpose of entering, leaving, or making use of that port.
- (2) Subsection (1) above shall cease to have effect on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.

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34 Construction of references to pilotage district in which pilotage is compulsory; transitory provisions

- (1) Any reference in this Act to a pilotage district in which pilotage is compulsory shall, in the case of a district in which pilotage is compulsory only in part of the district, be construed, if the context so requires, as a reference to that part of the district only.
- (2) Subsection (1) above shall cease to have effect on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes.

35 Liability of owner or master in case of a vessel under pilotage

Notwithstanding anything in any public or local Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.