



Pilotage Act 1983

1983 CHAPTER 21

PART II

PRINCIPAL PILOTAGE PROVISIONS

Provisions with respect to Licensed Pilots

36 Right of licensed pilot to supersede unlicensed persons

- (1) A pilot licensed for a district may supersede any pilot not so licensed who is employed to pilot a ship in the district.
- (2) Where a licensed pilot supersedes an unlicensed pilot the master of the ship shall pay to the latter an appropriate proportion of the pilotage charges payable in respect of the ship.

Any question as to the proportion payable to the person whom the licensed pilot has superseded shall be referred to the pilotage authority by whom the licensed pilot has been licensed, and their decision on the question shall be final.

- (3) If in any pilotage district a pilot not licensed for the district pilots or attempts to pilot a ship when he knows that a pilot licensed for that district has offered to pilot the ship, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) in England and Wales and in Scotland, level 4 on the standard scale,
 - (b) in Northern Ireland, £500.
- (4) If the master of a ship knowingly employs or continues to employ a pilot not licensed for the district to pilot the ship within any pilotage district after a pilot licensed for that district has offered to pilot the ship, or, in the case of an outward bound ship, without having taken reasonable steps (proof whereof shall lie on the master) to obtain a licensed pilot, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
 - (a) in England and Wales and in Scotland, level 4 on the standard scale,

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(b) in Northern Ireland, £500.

- (5) If any person other than the master or a seaman being bona fide one of the crew of the ship is on the bridge of a ship, or in any other position (whether on board the ship or elsewhere) from which the ship is navigated, that person shall, for the purposes of this section, be deemed to be piloting the ship unless the contrary is proved.
- (6) In this section, "ship" does not include a ship which a person is piloting or ordered to pilot, in a dockyard port within the meaning of the Dockyard Ports Regulation Act 1865, in the course of his duties as a servant of the Crown; but nothing in this subsection shall be construed as derogating from any immunity which affects a ship apart from this subsection.

37 Declaration as to draught etc. of ship

- (1) A licensed pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and to provide him with such other information relating to the ship or its cargo as the pilot specifies and is necessary to enable him to carry out his duties as the pilot of the ship, and the master shall comply with any such request.
- (2) It shall be the duty of the master of a ship to bring to the notice of each licensed pilot who pilots the ship any defects in, and any matter peculiar to, the ship and its machinery and equipment of which the master knows and which might affect materially the navigation of the ship.
- (3) The master of a ship who—
- (a) refuses to comply with a request made to him in pursuance of subsection (1) above ; or
 - (b) makes a statement which he knows is false, or recklessly makes a statement which is false, in answer to such a request or is privy to the making by another person in answer to such a request of a statement which the master knows is false ; or
 - (c) fails without reasonable excuse to perform the duty imposed on him by subsection (2) above,
- shall be guilty of an offence.
- (4) The master of a ship who is guilty of an offence under this section shall be liable on summary conviction—
- (a) in the case of an offence under subsection (3)(b) above, to a fine not exceeding—
 - (i) in England and Wales and in Scotland, level 5 on the standard scale,
 - (ii) in Northern Ireland, £1,000;
 - (b) in any other case, to a fine not exceeding—
 - (i) in England and Wales and in Scotland, level 4 on the standard scale,
 - (ii) in Northern Ireland, £500.

38 Provision as to ships within a harbour, dock, etc.

- (1) A ship while being moved within a harbour which forms part of a pilotage district shall be deemed to be being navigated in a pilotage district, except so far as may be provided by byelaw in the case of ships being so moved for the purpose of changing

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from one mooring to another mooring or of being taken into or out of any dock: and a byelaw shall in every case be made for the purpose aforesaid in any pilotage district where any class of persons other than licensed pilots were in practice employed on 7th March 1913 (the date of the passing of the Pilotage Act 1913) for the purpose of changing the moorings of ships or of taking ships into or out of dock.

- (2) Until such day as the Secretary of State may by order appoint, subsection (1) above shall have effect as if for the words " being navigated " there were substituted the words " a ship navigating " ; and different days may be appointed under this subsection for different purposes.

39 Provision as to ships in closed dock etc.; transitory provisions

- (1) A ship whilst being navigated within any closed dock, lock or other closed work in a pilotage district shall, notwithstanding anything in this Act, be deemed to be navigating in a district in which pilotage is not compulsory.
- (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.
- (3) Without prejudice to the generality of subsection (2) above, an order under that subsection may appoint a day for subsection (1) above to cease to have effect in relation only to such pilotage districts as may be specified in the order.

40 Copies of pilotage provisions to be furnished to pilots

The pilotage authority shall cause every pilot licensed by them to be furnished with a copy of this Act as amended for the time being, and with a copy of any pilotage order for the time being in force in the district, and of any byelaws so in force.

41 Licensed pilot not to be taken out of his district

A master of a ship shall not, except in circumstances of unavoidable necessity, take a licensed pilot without his consent beyond the district for which he is licensed, or beyond the point up to which he has been engaged to pilot the ship, and if a master of a ship acts in contravention of this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 5 on the standard scale,
(b) in Northern Ireland, £1,000.

42 Limitation of liability of pilots, and of pilotage authorities as employers

- (1) A licensed pilot, a person authorised to act as the assistant of a licensed pilot by the authority who licensed the pilot and the pilotage authority who employ a licensed pilot or such an assistant shall not be liable—
- (a) in the case of a pilot or assistant, for neglect or want of skill; and
(b) in the case of a pilotage authority, for neglect or want of skill by the pilot or assistant or by the authority in employing the pilot or assistant,
- beyond the amount of £100 and the amount of the pilotage charges in respect of the voyage during which the liability arose.

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- (2) Where any proceedings are taken against a pilot, assistant or pilotage authority for any neglect or want of skill in respect of which liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may—
- (a) determine the amount of the liability,
 - (b) upon payment by the pilot, assistant or pilotage authority of that amount into court, distribute that amount rateably among the several 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—
 - (i) as to making persons interested parties to the proceedings,
 - (ii) as to the exclusion of any claimants who do not come in within a certain time,
 - (iii) as to requiring security from the pilot, assistant or pilotage authority,
 - (iv) as to payment of any costs, as the court thinks just.

43 Obligation on licensed pilot to produce his licence to employer

- (1) Every licensed pilot when acting as such shall be provided with his licence, and shall, if requested, produce it to any person by whom he is employed, or to whom he offers his services as pilot.
- (2) If a licensed pilot refuses without reasonable excuse to produce his licence in accordance with this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—
- (a) in England and Wales and in Scotland, level 3 on the standard scale,
 - (b) in Northern Ireland, £200.

44 Penalty on fraudulent use of licence

If any person not being a licensed pilot for a district falsely represents himself to be a licensed pilot for that district, either by means of using a licence which he is not entitled to use or by any other means, he shall be liable on summary conviction in respect of each offence to a fine not exceeding—

- (a) in England and Wales and in Scotland, level 5 on the standard scale,
- (b) in Northern Ireland, £1,000.