



Pilotage Act 1983

1983 CHAPTER 21

PART IV

MISCELLANEOUS AND GENERAL

Recovery, etc. of Pilotage Charges

63 Recovery of pilotage charges

- (1) The following persons shall be liable to pay pilotage charges for any ship for which the services of a licensed pilot are obtained, namely: —
- (a) the owner or master;
 - (b) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge;
 - (c) as to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her departure;

and those charges may be recovered in the same manner as fines of like amount under the Merchant Shipping Act 1894, but that recovery shall not take place until a previous demand has been made in writing.

- (2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage charges in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all charges paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the charges or his liability to pay the charges.

64 Receiving or offering improper rates of pilotage

A licensed pilot shall not demand or receive, and a master shall not offer or pay to any licensed pilot, pilotage charges of amounts which he knows are greater or less than

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the amounts authorised by law, and, if a pilot or master 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 3 on the standard scale,
- (b) in Northern Ireland, £200.

65 Pilotage rate for leading ships

If any boat or ship, having on board a licensed pilot, leads another ship which has not a licensed pilot on board when that other ship cannot be boarded due to particular circumstances, the same pilotage charges shall be payable in respect of the ship so led as if the pilot had actually been on board and had charge of that ship.

Supplementary

66 Application of Board of Trade Arbitrations, etc. Act 1874

The Board of Trade Arbitrations etc. Act 1874, shall apply as if this Act were a special Act within the meaning of the said Act of 1874.

67 Orders, rules and regulations

- (1) All powers to make orders, rules or regulations conferred on the Secretary of State by this Act except those conferred by sections 16(2), 19(4) and 25(1) of this Act shall be exercisable by statutory instrument.
- (2) No order shall be made in pursuance of section 4(1), 5(2), 21(3) or 32(3) of this Act unless a draft of the order has been approved by resolution of each House of Parliament.
- (3) Any statutory instrument containing an order made by virtue of section 3(3) of this Act or containing regulations made by virtue of section 13(2)(a) of this Act shall be subject to annulment in pursuance of a resolution by either House of Parliament.

68 Interpretation

- (1) In this Act—
 - " the Commission " means the Pilotage Commission ;
 - " excepted ship " has the meaning assigned to it by section 30, or, as the case may require, section 31 of this Act;
 - " functions " includes powers and duties ;
 - " pilotage authority " means, without prejudice to section 1(2) of this Act, an authority established, constituted or incorporated as a pilotage authority—
 - (a) by pilotage order made under this Act, or
 - (b) for the purposes of this Act;
 - " pilot boat" has the meaning assigned to it by section 45 of this Act;
 - " pilotage charges" means the charges payable by virtue of section 14 of this Act;
 - " pilotage district" means, without prejudice to section 1(2) of this Act, a district established as a pilotage district—

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- (a) under a pilotage order made under this Act, or
- (b) for the purposes of this Act;
 - " pilot flag" has the meaning assigned to it by section 46 of this Act;
 - " standard scale " shall be construed in accordance with section 75 of the Criminal Justice Act 1982 ;
 - " statutory maximum " shall be construed in accordance with section 74 of the said Act of 1982 ;
 - "the Trinity House of Newcastle-upon-Tyne" means the Corporation of the Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne ;
 - " water authority " in relation to Scotland means a water authority within the meaning of section 3 of the Water (Scotland) Act 1980.

- (2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1981.
- (3) Without prejudice to subsection (2) above, any expression to which a meaning is given by the Merchant Shipping Act 1894 has, unless the context otherwise requires, the same meaning as in that Act; and for ease of reference the Table below indicates the expressions used in this Act to which a meaning is given by that Act—
 - " chief officer of Customs "
 - " conservancy authority "
 - " harbour "
 - " harbour authority "
 - " master "
 - " pilot"
 - " port "
 - " seaman "
 - " ship "
 - " the Trinity House "
 - " vessel "

- (4) Any reference in this Act to failure to do any act or thing includes a reference to refuse to do that act or thing.

69 Transitional provisions, savings, amendments and repeals

- (1) Schedule 2 to this Act, which contains transitional and saving provisions, shall have effect.
- (2) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments there specified.
- (3) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

70 Short title, citation, extent and commencement

- (1) This Act may be cited as the Pilotage Act 1983 and shall be included among the Acts that may be cited as the Merchant Shipping Acts 1894 to 1983.
- (2) This Act extends to Northern Ireland and applies to all ships, British and foreign.
- (3) It is hereby declared that this Act does not extend to the Isle of Man.

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- (4) This Act shall come into force at the expiration of the period of three months beginning with the date on which it is passed.