



# Pilotage Act 1987

## 1987 CHAPTER 21

### PART I

#### PILOTAGE FUNCTIONS OF COMPETENT HARBOUR AUTHORITIES

##### *Compulsory pilotage*

#### **7 Pilotage directions.**

- (1) Subject to the provisions of this section, if a competent harbour authority considers that in the interests of safety it should do so, it shall direct that pilotage shall be compulsory for ships navigating in any area or part of an area in relation to which its duty under section 2(1) above is exercisable; and such a direction is referred to in this Act as a “pilotage direction”.
- (2) A pilotage direction—
  - (a) may, subject to subsection (3) below, apply to all ships or all ships of a description specified in the direction (subject to any exceptions there specified);
  - (b) shall specify the area and circumstances in which it applies;
  - (c) may specify the circumstances in which an authorised pilot in charge of a ship to which it applies is to be accompanied by an assistant who is also an authorised pilot; and
  - (d) may contain such supplementary provisions as the authority considers appropriate.
- (3) A pilotage direction shall not apply to ships of less than 20 metres in length or to fishing boats of which the registered length is less than 47.5 metres.
- (4) Before giving a pilotage direction a competent harbour authority shall consult—
  - (a) the owners of ships which customarily navigate in the area to which the proposed direction would apply; and
  - (b) any other persons who carry on harbour operations within the harbour of the authority;

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or, in either case, such persons as it considers to be representative of them.

- (5) If a competent harbour authority considers that pilotage should be compulsory for ships navigating in any area outside its harbour it shall apply for a harbour revision order to be made under section 14 of the <sup>M1</sup>Harbours Act 1964, or in Northern Ireland a harbour order under section 1 of the <sup>M2</sup>Harbours Act (Northern Ireland) 1970, to extend the limits within which the authority has jurisdiction for the purposes of pilotage to include that area and a pilotage direction given by it shall not apply to that area unless the limits have been so extended.
- (6) A competent harbour authority shall arrange for any pilotage direction given by it to be published in such manner as to bring it to the notice of those persons likely to be interested.

#### Marginal Citations

- M1** 1964 c. 40.  
**M2** 1970 c. 1 (N.I.).

## 8 Pilotage exemption certificates.

- (1) Subject to subsection (3) below, a competent harbour authority which has given a pilotage direction shall, on application by any person who is bona fide [<sup>F1</sup>a deck officer] of any ship, grant a certificate (in this Act referred to as a “pilotage exemption certificate”) to him if it is satisfied (by examination or by reference to such other requirements as it may reasonably impose)—
- (a) that his skill, experience and local knowledge are sufficient for him to be capable of piloting the ship of which he is [<sup>F2</sup>a deck officer] (or that and any other ships specified in the certificate) within its harbour or such part of its harbour as may be so specified; and
  - (b) in any case where it appears to the authority to be necessary in the interests of safety, that his knowledge of English is sufficient for that purpose.
- (2) The requirements imposed under subsection (1) above—
- (a) must not be unduly onerous having regard to the difficulties and danger of navigation in the harbour in question; and
  - (b) must not be more onerous than those required to be met by a person (other than a person who immediately before the appointed day was the holder of a licence under section 12 of the Pilotage Act 1983 or a time-expired apprentice pilot or recognised assistant pilot within the meaning of section 3 above) applying to the authority for authorisation under section 3 above.
- (3) If the Secretary of State is satisfied, on application by a competent harbour authority, that it is appropriate to do so by reason of the unusual hazards involved in shipping movements within its harbour, he may direct that during such period (not exceeding three years) as he may specify, notwithstanding that the authority is satisfied as mentioned in subsection (1) above, it may refuse to grant pilotage exemption certificates under that subsection.
- (4) Where a direction is given in respect of a competent harbour authority under subsection (3) above any pilotage exemption certificate granted by the authority shall cease to have effect and the authority shall notify the holders of such certificates of that fact.

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- (5) A pilotage exemption certificate shall not remain in force for more than one year from the date on which it is granted, but—
- (a) if the holder continues to be [<sup>F3</sup>a deck officer of a ship], may be renewed annually by the competent harbour authority on application by the holder if the authority continues to be satisfied as mentioned in subsection (1) above; and
  - (b) on the application of the holder may be altered so as to refer to different ships from those to which it previously referred if the authority is so satisfied as respects those ships.
- <sup>F4</sup>(6) . . . . .
- (7) Before refusing an application by any person under this section for the grant, renewal or alteration of a certificate <sup>F5</sup>... a competent harbour authority shall give him written notice of its intention to do so, stating the reasons for which it proposes to act, and shall give him a reasonable opportunity of making representations.
- (8) A competent harbour authority may charge such fees in respect of any examination required to be taken for the purposes of this section or the grant, renewal or alteration of any pilotage exemption certificate as the authority considers reasonable for the purposes of meeting its administrative costs in connection therewith.

**Textual Amendments**

- F1** Words in s. 8(1) substituted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 2\(1\)\(a\)](#), 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F2** Words in s. 8(1)(a) substituted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 2\(1\)\(b\)](#), 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F3** Words in s. 8(5)(a) substituted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 2\(2\)](#), 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F4** S. 8(6) omitted (1.10.2013) by virtue of [Marine Navigation Act 2013 \(c. 23\), ss. 3\(2\)\(a\)](#), 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F5** Words in s. 8(7) omitted (1.10.2013) by virtue of [Marine Navigation Act 2013 \(c. 23\), ss. 3\(2\)\(b\)](#), 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3

**Modifications etc. (not altering text)**

- C1** [S. 8\(3\)](#): transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 29\(2\)\(f\)\(ii\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, [reg. 3\(g\)](#) (with transitional provisions and savings in S.I. 2018/278, [reg. 2](#), [Sch.](#))

**[<sup>F6</sup>8A Pilotage exemption certificates: suspension and revocation**

- (1) A competent harbour authority may by written notice suspend or revoke a person's pilotage exemption certificate in the following cases.
- (2) Case 1 is where an event has occurred as a result of which the authority is no longer satisfied of the matters specified in section 8(1)(a).
- (3) Case 2 is where the authority thinks that the person has provided false information to the authority as to any of those matters.
- (4) Case 3 is where the authority thinks that the person has been guilty of professional misconduct while piloting a ship.

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- (5) Case 4 is where—
- (a) pilotage notification was given under section 15(4)(b) in reliance on the person's certificate, and
  - (b) in the event, the pilotage was carried out by a person who was neither an authorised pilot nor acting in accordance with a pilotage exemption certificate.]

**Textual Amendments**

**F6** Ss. 8A, 8B inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **Ss. 3(1)**, 13; [S.S.I. 2013/254](#), art. 2; [S.I. 2013/1489](#), art. 3; [S.S.I. 2013/254](#), art. 2; [S.I. 2013/1489](#), art. 3

**[<sup>F6</sup>8B Section 8A: supplementary**

- (1) The maximum period for which a pilotage exemption certificate may be suspended is 28 days.
- (2) But if a harbour authority has suspended a person's certificate and is considering whether to revoke it, the authority may by written notice extend the suspension for a single period of up to 28 days.
- (3) A suspended certificate may be revoked (on the same or different grounds).
- (4) Before revoking a person's certificate a harbour authority must—
  - (a) give the person written warning, stating the reasons for the proposed revocation, and
  - (b) allow the person a reasonable opportunity to make representations.
- (5) A competent harbour authority which has suspended or revoked a certificate may pay compensation to any person who has suffered, or is likely to suffer, loss as a result.]

**Textual Amendments**

**F6** Ss. 8A, 8B inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **Ss. 3(1)**, 13; [S.S.I. 2013/254](#), art. 2; [S.I. 2013/1489](#), art. 3; [S.S.I. 2013/254](#), art. 2; [S.I. 2013/1489](#), art. 3

**9 Prevention of discrimination in favour of authority's ships.**

A competent harbour authority shall secure that any ship owned or operated by it and used by it in the exercise of its functions otherwise than under this Act is subject to the same obligations as respects pilotage whilst navigating within its harbour as any other ship.

**Changes to legislation:**

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