

MARINE NAVIGATION ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Pilotage

Section 1: Power to remove harbour authorities' pilotage functions

12. **Section 1** amends the Pilotage Act 1987 to provide the appropriate national authority with power to specify by order that a harbour authority in England, Wales or Scotland is not a competent harbour authority within the meaning of that Act. Making such an order in respect of a competent harbour authority will mean it is no longer required to carry out certain duties set out in the Pilotage Act. The relevant duties include keeping under review whether any, and, if so, what pilotage services need to be provided for the safety of ships in its harbour or its approaches and whether pilotage should be compulsory. The appropriate national authority in this context is the Secretary of State as regards harbours in England and Wales and the Scottish Ministers as regards harbours in Scotland. In England and Wales, the order making power is subject to the applicable negative resolution scrutiny procedure.

Section 2: Pilotage exemption certificates: grant

13. **Section 2** amends the Pilotage Act 1987 to remove the restriction whereby only the master or first mate of a ship may hold a pilotage exemption certificate. Any *bona fide* deck officer of a ship, including its master or first mate, may hold one provided the relevant competent harbour authority is satisfied that that person has the skill, experience and local knowledge, and sufficient knowledge of English for safety purposes, to be capable of piloting one or more specified ships within its harbour.

Section 3: Pilotage Exemption certificates: suspension and revocation

14. **Section 3** extends the circumstances in which a competent harbour authority can, by written notice, suspend or revoke a pilotage exemption certificate. The authority may do this if:
- a) an event occurs that gives it reason to believe that the holder of the certificate no longer meets the requirements for holding a certificate;
 - b) it thinks that the holder of the certificate has provided false information;
 - c) it thinks that the holder of the certificate has been guilty of professional misconduct while piloting the ship; or
 - d) the certificate has been misused in circumstances where an act of pilotage is undertaken by an unauthorised person.
15. As an example, the previous legislation would not have permitted the immediate suspension of the certificate of a pilot if he were found to be temporarily incapable of navigating a ship due to being under the influence of alcohol. Such misconduct would fall under paragraph (c) above.

*These notes refer to the Marine Navigation Act 2013
(c.23) which received Royal Assent on 25 April 2013*

16. In order to suspend or revoke a certificate an authority must give written notice. The maximum period of suspension is 28 days but that may be extended for a further 28 days if the authority is considering whether to revoke it. A revocation must state the reasons for the revocation in writing and the holder of the certificate must be allowed a reasonable period to make representations. The authority will have the discretion to pay compensation to any person who has suffered, or is likely to suffer, loss as a result of the suspension or revocation of a certificate.

Section 4: Pilotage notification

17. **Section 4** amends the Pilotage Act 1987 by substituting a new section 15(3) which makes it an offence by the master of a ship not to give a pilotage notification before the ship is navigated in an area for which a pilotage direction is in force. That notification must either request an authorised pilot or notify the authority that the ship will be piloted by a specified person in accordance with a pilotage exemption certificate.