



Wales Act 2017

2017 CHAPTER 4

PART 2

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

Harbours: consultation and consent requirements

35 Cross-border exercise of pilotage functions

- (1) Where—
 - (a) the Secretary of State proposes to exercise a relevant pilotage function, and
 - (b) the function would be exercised in relation to waters in Wales,the Secretary of State must first consult the Welsh Ministers (except where section 38(1) applies).
- (2) Where—
 - (a) the Welsh Ministers propose to exercise a relevant pilotage function other than a function mentioned in subsection (5)(e) or (h), and
 - (b) the function would be exercised in relation to waters in England,the Welsh Ministers must first obtain the consent of the Secretary of State.
- (3) Where the Secretary of State or the Welsh Ministers have made an order under section 42A of the Harbours Act 1964 delegating the function of making a harbour revision order, the duty in subsection (1) or (2), so far as it relates to the function mentioned in subsection (5)(c), applies to the delegate as it applies to the Secretary of State or the Welsh Ministers.
- (4) Where—
 - (a) the Welsh Ministers propose to exercise a function mentioned in subsection (5)(e) or (h), and
 - (b) the function would be exercised in relation to waters in England,the Welsh Ministers must first consult the Secretary of State (except where section 38(1) applies).

Status: This is the original version (as it was originally enacted).

- (5) The following are “relevant pilotage functions”—
- (a) making an order under section 1(3) of the Pilotage Act 1987 (order about exercise of pilotage jurisdiction);
 - (b) making an order under section 1(4) or (4A) of that Act (orders about competent harbour authorities);
 - (c) making an order of the type described in section 7(5) of that Act (harbour revision order extending limits of pilotage jurisdiction of a harbour authority);
 - (d) making a direction under section 8(3) of that Act (pilotage exemption certificates);
 - (e) approving a charge imposed by virtue of section 10 of that Act, or giving directions with respect to such a charge, under section 31(6) of the Harbours Act 1964 as applied by section 10(6) of the Pilotage Act 1987;
 - (f) making directions under section 12(2) or (3) of the Pilotage Act 1987 (joint arrangements);
 - (g) settling a dispute under section 13 of that Act (resolution of dispute between authorities);
 - (h) deciding an appeal under paragraph 4 of Schedule A1 to that Act (decisions on authorisation of EEA pilots).
- (6) In this section “England” and “Wales” have the same meanings as in section 34.