



Merchant Shipping Act 1894

1894 CHAPTER 60

PART X

PILOTAGE.

Byelaws by Pilotage Authorities.

581 Power of pilotage authorities as to exemptions from compulsory pilotage.

Every pilotage authority may, by byelaw made under this Part of this Act, exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots, and annex any terms and conditions to those exemptions, and revise or extend any such exemptions or any exemptions existing by virtue of any Act of Parliament, law, charter, or usage, upon such terms and conditions and in such manner as may appear desirable to the authority.

582 Power of pilotage authorities to make byelaws.

Subject to the provisions of this Part of this Act, a pilotage authority may by byelaw made under this Part of this Act—

- (1) determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots :
- (2) make regulations respecting the approval and licensing of pilot boats in their district :
- (3) provide for the establishment and regulation of companies for the support of those pilot boats and for a participation of profits therein:
- (4) fix the terms and conditions of granting licences to pilots and apprentices and pilotage certificates for masters and mates:
- (5) make regulations for the government of the pilots and apprentices licensed by them, and of masters and mates holding pilotage certificates granted by them, and for ensuring their good conduct and constant attendance to, and effectual performance of,

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their duty whether at sea or on shore, and provide for the punishment of any breach of those regulations by the withdrawal or suspension of the licence or certificate of the person guilty of that breach, or by the infliction of fines not exceeding twenty pounds to be recoverable as fines are recoverable under this Act:

- (6) fix the rates and prices or other remuneration to be demanded and received for the time being by the pilots licensed by them, and alter the mode of remuneration of those pilots in such manner as they think fit, so, however, that no higher rates or prices are demanded or received in the case of the Trinity House than those set out in the table contained in the Twenty-first Schedule to this Act, and in the case of any other pilotage authority than those which might have been lawfully fixed or demanded by that authority under any Act, charter, or custom in force immediately before the first day of May in the year one thousand eight hundred and fifty-five:
- (7) make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of that other authority or the privileges of the pilots licensed by that other authority or any of them to all or any part of its own district, or for limiting its own powers or the privileges of its own pilots or any of them, or for sharing the said last-mentioned powers and privileges with that other authority and the pilots licensed by it, or for delegating or surrendering those powers and privileges or any of them to any other pilotage authority already constituted or to be constituted by agreement between those authorities, and to the pilots licensed by it, as may appear to those pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping:
- (8) establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children ; and make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (those persons to be in the service of the pilotage authority) to and in which and by and upon whom the contributions in support of those existing or future funds may be made or levied, and declare what persons or class of persons (the person or class of persons being limited to the men in the service of the pilotage authority, their wives, widows, or children) are entitled to participate in the benefits of any existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled:
- (9) require masters and mates who hold pilotage certificates granted by them or by the Board of Trade under this Part of this Act to contribute towards the pilotage fund of the district, and to make a periodical return to them of the pilotage services rendered by them; provided that the contribution so required from a master or mate shall not exceed such proportion of the pilotage dues which would have been payable in respect of his ship if he had not held a pilotage certificate, as may be fixed by the Board of Trade :
- (10) provide for the granting by them of special licences qualifying the persons to whom those licences are granted to act as pilots for any part of the sea or channels beyond the limits of their pilotage district, so however that no pilot so licensed be entitled to supersede an unlicensed pilot outside the district of the authority by which he is licensed.

583 Confirmation of byelaws.

- (1) A byelaw under this Part of this Act shall not take effect until it is submitted to Her Majesty in Council and confirmed by Order in Council.

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- (2) Any byelaw proposed to be made under this Part of this Act shall, before it is submitted for confirmation, be published in such manner as the Board of Trade direct.

584 Appeal against byelaws or regulations not made under this Act.

If at any port either—

- (a) the majority of the qualified pilots belonging to the port ; or,
- (b) the local marine board; or,
- (c) where there is no local marine board, any number of persons not less than six, being masters, owners, or insurers of ships,

consider themselves aggrieved by any regulation or byelaw of a pilotage authority in force before the first day of May, one thousand eight hundred and fifty-five, or made under any power other than a power contained in this Act or in any Act repealed by this Act, or by a defect or omission in any such regulation or byelaw, they may appeal to the Board of Trade, and the Board may thereupon by order revoke, alter, or make additions to that regulation or byelaw, in such manner as, having regard to the interests of the persons concerned, appears to them to be just and expedient, and any order so made shall be conclusive as to the matter in respect of which it is made.