



Merchant Shipping Act 1894

1894 CHAPTER 60

PART X

PILOTAGE.

Recovery of Pilotage Dues and other Rights of Pilots.

591 Recovery of pilotage dues.

- (1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified 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 from which she clears out;

and those dues may be recovered in the same manner as fines of like amount under this Act, 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 dues 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 dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

592 Receiving or offering improper rates of pilotage.

A qualified pilot shall not demand or receive, and a master shall not offer or pay to any pilot, any other rate in respect of pilotage services, whether greater or less, than the

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rate which may be demanded by law, and, if a pilot or master acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding ten pounds.

593 Pilotage rate for leading ships.

If any boat or ship having on board a qualified pilot leads any ship which has not a qualified pilot on board when the last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

594 Allowance to licensed pilot taken out of his district.

- (1) A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever, and if he is so taken under circumstances of unavoidable necessity, or without his consent, shall be entitled, over and above his pilotage dues, to the sum of ten shillings and sixpence a day.
- (2) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes the limit up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last-mentioned case he shall be entitled to his reasonable travelling expenses.

595 Penalty on making a false declaration to pilot as to draught of ship.

- (1) The master of a ship, on being requested by any qualified pilot having the charge of his ship, shall declare her draught of water.
- (2) If a master refuses so to declare the draught of water, or himself makes, or is privy to any other person making, a false declaration to the pilot in relation thereto, he shall for each offence be liable to a fine not exceeding double the amount of pilotage dues which would have been payable to that pilot.
- (3) If the master of a ship, or any other person interested in the ship, makes, or is privy to the making of, any fraudulent alteration in the marks on the stem or stem post of the ship denoting the draught of water, he shall for each offence be liable to a fine not exceeding five hundred pounds.

596 Occasions on which unqualified pilots may act.

An unqualified pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, take charge of a ship as pilot—

- (a) when no qualified pilot has offered to take charge of that ship, or made a signal for that purpose:
- (b) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time :
or
- (c) for the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where the act can be done by an unqualified

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pilot without infringing the regulations of the port, or any orders which the harbour master is legally empowered to give.

597 Power of qualified to supersede unqualified pilot.

A qualified pilot may supersede an unqualified pilot, but the master shall pay to the unqualified pilot a proportionate sum for his services, and deduct that sum from the charge of the qualified pilot; and in case of dispute the pilotage authority by whom the qualified pilot is licensed shall determine the proportionate sums to which each party is entitled.

598 Penalties as to employment of unqualified pilot.

- (1) If an unqualified pilot, whether within a district in which pilotage is compulsory or outside such a district, assumes or continues in the charge of a ship after a qualified pilot has offered to take charge of the ship he shall for each offence be liable to a fine not exceeding fifty pounds.
- (2) If a master of a ship whether navigating within a district in which pilotage is compulsory or outside such a district, knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.