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**1980 No. 1163**

**MERCHANT SHIPPING**

**PILOTAGE**

**The Pilotage Orders (Applications) Regulations 1980**

*Made* - - - - - *6th August 1980*

*Coming into Operation*      *1st September 1980*

The Secretary of State, in exercise of his powers under section 7(1) of the Merchant Shipping Act 1979(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Pilotage Orders (Applications) Regulations 1980 and shall come into operation on 1st September 1980.

(2) The Pilotage Orders (Applications) Rules 1964(b) are hereby revoked.

2.—(1) In these Regulations, unless the context otherwise requires—

“applicant” means an applicant for a Pilotage Order;

“application” means an application for a Pilotage Order;

“Order” means a Pilotage Order made under section 7 of the Pilotage Act 1913(c);

“prescribed” means prescribed by these Regulations.

3. An applicant shall be a person interested in the pilotage of any pilotage district or in the operation of the laws relating to pilotage in that district or the administration of those laws.

4.—(1) An application shall be made, in writing, to the Secretary of State for Trade, Sunley House, 90/93 High Holborn, London WC1V 6LP and shall be accompanied by the prescribed fee and a draft of the notice required by Regulation 5 of these Regulations.

(2) The application shall state fully the object proposed to be effected by the Order, the provisions proposed to be inserted in the Order, and the grounds on which the application is based.

5. The applicant shall publish a notice of the application, within one month of the Secretary of State giving approval for such publication, once in each of two successive weeks in the following newspapers, viz. “Lloyd’s List”, “The Journal of Commerce” and at least one newspaper circulating in the pilotage district in respect of which the application is made.

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(a) 1979 c. 39.

(b) S.I. 1964/1467.

(c) 1913 c. 31

6. The notice of advertisement of the application shall contain—
- (a) the name, address and description of the applicant;
  - (b) a statement of the object proposed to be effected by the Order;
  - (c) a list of the addresses at which copies of the draft Order and of the application are available for inspection, and at which such documents may be purchased at an inclusive charge for the two documents not exceeding 50p;
  - (d) a statement of the manner in which and of the time within which objections to the application are to be made, as provided by Regulation 7 of these Regulations.

7.—(1) Any person who objects to such an application and who appears to the Secretary of State to have a substantial interest in the pilotage services in the area to which the application relates may submit representations in writing to the Secretary of State. The written representations shall state fully the interest of the objector in the pilotage services in the area to which the application relates and the grounds on which the objection is based, and shall be deposited with the Secretary of State for Trade, Sunley House, 90/93 High Holborn, London WC1V 6LP, within a period of six weeks from the date of the first publication of the notice of application and shall be accompanied by the prescribed fee. A copy of any representation shall be sent by the person making it to the applicant within the same period.

(2) If it appears to the Secretary of State that any person who objects to such an application does not have a substantial interest in the pilotage services in the area to which the application relates, he shall so inform that person and the applicant within fourteen days of receiving the representations and shall return the prescribed fee.

8. Within seven days after the first publication of the advertisement the applicant shall:—

- (1) send to the Secretary of State a copy of the advertisement and two copies of the draft Order for which the application is made; and
- (2) send to any of the following bodies which are not themselves applicants a copy of the advertisement, of the application and of the draft Order—
  - (a) the Pilotage Authority of the Pilotage District in respect of which the application is made;
  - (b) the Transport and General Workers' Union;
  - (c) the United Kingdom Pilots' Association;
  - (d) the General Council of British Shipping;
  - (e) the British Ports Association;
  - (f) the Pilotage Commission.

9.—(1) As soon as possible after the prescribed period for lodging objections has expired, the applicant shall send to the Secretary of State:—

- (a) a copy of each of the newspapers in which the advertisement was published;
- (b) a certificate that the requirements of Regulation 8 have been complied with;

(c) a list of all objections received by the applicant together with his observations upon each, and a certificate that paragraph (2) of this Regulation has been complied with.

(2) Before the date on which the documents mentioned in paragraph (1) of this Regulation are sent to the Secretary of State, the applicant shall send by registered post or by the recorded delivery service to each person from whom an objection has been received a copy of his observations thereon.

**10.—(1)** As soon as possible after the receipt of the documents specified in the preceding Regulation, the Secretary of State shall enquire of each person who has made an objection to the application whether, after considering the observations made in reply thereto by the applicant, he intends to maintain his objection, and shall inform him that if he does so intend, he must within fourteen days notify his intention to the Secretary of State, and at the same time pay to the Secretary of State the prescribed fee.

(2) If a person who has made an objection to the application does not, within the said fourteen days, notify the Secretary of State of his intention to maintain the objection, and also pay the prescribed fee, the objection shall (at the expiration of that period) be deemed to be withdrawn.

**11.** If, as a result of any objection, the applicant agrees to a modification of the provisions proposed to be inserted in the Order, the Secretary of State may, if in his opinion such modification is substantial, direct the applicant to publish a notice of the application as so modified in the manner provided in Regulations 5 and 6. The applicant shall thereafter comply with Regulations 8 and 9 in respect of the application as so modified.

**12.** As soon as possible after an Order has been made the Secretary of State shall publish a notice thereof in the newspapers in which notice of the application was published, and the applicant shall pay the prescribed fee.

**13.** The Secretary of State may in the case of any application or objection, require the person making the same to furnish such further information or documents as the Secretary of State may think fit.

**14.** The fees payable by applicants or objectors under these Regulations shall be those specified in the Schedule to these Regulations.

*Norman Tebbit,*  
Parliamentary Under-Secretary of State,  
Department of Trade.

6th August 1980.

*Regulation 14*

## SCHEDULE

- (1) FEES PAYABLE BY AN APPLICANT.
- (a) On the application for an Order ..... £20
  - (b) After the Order has been made and published by the Secretary of State £50
- (2) FEES PAYABLE BY AN OBJECTOR.
- (a) For every objection made ..... £5
  - (b) For every objection made of which notice to maintain the same is given under Regulation 10 ..... £10
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## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations revoke and substantially re-enact, under the powers in section 7 of the Merchant Shipping Act 1979, the Pilotage Orders (Applications) Rules 1964. Most of the changes are of a minor drafting nature, but:

- (1) under Regulation 5, the applicant's notice of application for a Pilotage Order is not to be published until after the Secretary of State has approved publication;
- (2) pursuant to section 7(1) of the 1979 Act, Regulation 7 provides that any person objecting to a notice of application must appear to the Secretary of State to have a substantial interest in the pilotage services in the area to which the application relates;
- (3) under Regulation 8, a copy of the draft Order is required to be sent to the bodies named, and the British Ports Association and the Pilotage Commission have been added to such bodies;
- (4) under the Schedule, the fees payable by an applicant for, and an objector to, a Pilotage Order, are increased.