



# Pilotage Act 1987

## 1987 CHAPTER 21

### PART II

#### GENERAL PROVISIONS CONCERNING PILOTAGE

##### *Compulsory pilotage*

#### **15 Compulsory pilotage**

- (1) A ship which is being navigated in an area and in circumstances in which pilotage is compulsory for it by virtue of a pilotage direction shall be—
  - (a) under the pilotage of an authorised pilot accompanied by such an assistant, if any, as is required by virtue of the direction; or
  - (b) under the pilotage of a master or first mate possessing a pilotage exemption certificate in respect of that area and ship.
- (2) If any ship is not under pilotage as required by subsection (1) above after an authorised pilot has offered to take charge of the ship, the master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) If the master of a ship navigates the ship in an area and in circumstances in which pilotage is compulsory for it by virtue of a pilotage direction without notifying the competent harbour authority which gave the direction that he proposes to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **16 Liability for ships under compulsory pilotage**

The fact that a ship is being navigated in an area and in circumstances in which pilotage is compulsory for it shall not affect any liability of the owner or master of the ship for any loss or damage caused by the ship or by the manner in which it is navigated.

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*Status: This is the original version (as it was originally enacted).*

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### *Rights of pilots*

#### **17 Right of authorised pilot to supersede unauthorised pilot**

- (1) An authorised pilot may, within the harbour in relation to which or a part of which he is authorised, supersede as the pilot of a ship any unauthorised person who has been employed to pilot it.
- (2) If the master of any ship navigates it in any part of a harbour under the pilotage of an unauthorised person without first notifying the competent harbour authority that he proposes to do so, he shall be guilty of an offence.
- (3) If an unauthorised person pilots a ship within a harbour knowing that an authorised pilot has offered to pilot it, he shall be guilty of an offence.
- (4) If the master of a ship navigating within a harbour knowingly employs or continues to employ an unauthorised person to pilot the ship after an authorised pilot has offered to pilot it, he shall be guilty of an offence.
- (5) For the purposes of this section—
  - (a) a person is an unauthorised person if he is neither an authorised pilot nor the holder of a pilotage exemption certificate in respect of the ship and the area in question; and
  - (b) any person (other than the master or one of the crew of a ship) who is on the bridge of the ship or in any other position from which the ship is navigated (whether on board or elsewhere) shall be deemed to be piloting the ship unless he proves otherwise.
- (6) Any person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding—
  - (a) in the case of an offence under subsection (2) above, level 2 on the standard scale; and
  - (b) in the case of an offence under subsection (3) or (4) above, level 4 on the standard scale.
- (7) Subsections (1) to (4) above do not apply—
  - (a) to a ship which a person is piloting or ordered to pilot in a dockyard port (within the meaning of the Dockyard Ports Regulation Act 1865) in the course of his duties as a servant of the Crown; or
  - (b) if the competent harbour authority has directed that those subsections shall not apply to movements in its harbour or a specified part of its harbour for the purpose of changing a ship or a ship of a specified description from one mooring to another or of taking it into or out of any dock, to a ship or a ship of that description being moved in that harbour or that part for that purpose;but nothing in paragraph (a) above shall be construed as derogating from any immunity which affects such a ship as there mentioned apart from that paragraph.
- (8) A competent harbour authority shall not give a direction under subsection (7)(b) above unless the area in relation to which it will apply is either—
  - (a) an area in relation to which a bye-law under section 38 of the Pilotage Act 1983 (exemptions from compulsory pilotage for ships moving within harbours, docks etc.) was in force immediately before the appointed day; or

- (b) a closed dock, lock or other closed work which is not in a former pilotage district.

## **18 Declaration as to draught etc. of ship**

- (1) A pilot may require the master of any ship which he is piloting to declare its draught of water, length and beam, and to provide him with such other information relating to the ship or its cargo as the pilot specifies and is necessary to enable him to carry out his duties as the pilot of the ship.
- (2) The master of a ship shall bring to the notice of any person who pilots the ship any defects in, and any matter peculiar to, the ship and its machinery and equipment of which the master knows and which might materially affect the navigation of the ship.
- (3) Any master of a ship who—
  - (a) refuses to comply with a request made to him in pursuance of subsection (1) above; or
  - (b) makes a statement which is false in a material particular in answer to such a request, knowing it to be false or being reckless as to whether it is false, or fails without reasonable excuse to correct such a statement made by another person in answer to such a request, although himself knowing it to be false; or
  - (c) without reasonable excuse contravenes subsection (2) above,shall be guilty of an offence.
- (4) Any person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding—
  - (a) in the case of an offence under subsection (3)(b) above, level S on the standard scale, and
  - (b) in any other case, level 4 on the standard scale.

## **19 Authorised pilot not to be taken out of his area**

- (1) A master of a ship shall not without reasonable excuse take an authorised pilot without his consent beyond the point up to which he has been engaged to pilot the ship.
- (2) A person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level S on the standard scale.

## **20 Facilities to be given for pilot boarding or leaving ship**

- (1) Where—
  - (a) the master of a ship, which is navigating in an area in circumstances in which pilotage is compulsory for it but is not under the pilotage of an authorised pilot or a master or first mate possessing a pilotage exemption certificate in respect of the ship and the area, is offered the services of an authorised pilot; or
  - (b) the master of a ship accepts the services of an authorised pilot in any other circumstances,he shall facilitate the pilot boarding and subsequently leaving the ship.
- (2) If the master of any ship without reasonable excuse contravenes this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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### *Misconduct by pilots*

## **21 Misconduct by pilot endangering ship or persons on board ship**

- (1) If the pilot of a ship—
- (a) does any act which causes or is likely to cause the loss or destruction of, or serious damage to, the ship or its machinery, navigational equipment or safety equipment, or the death of, or serious injury to, a person on board the ship; or
  - (b) omits to do anything required to preserve the ship or its machinery, navigational equipment or safety equipment from loss, destruction or serious damage or to preserve any person on board the ship from death or serious injury,
- and the act or omission is deliberate or amounts to a breach or neglect of duty or he is under the influence of drink or a drug at the time of the act or omission, he shall be guilty of an offence.
- (2) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

### *Limitation of liability*

## **22 Limitation of liability in respect of pilots**

- (1) The liability of an authorised pilot for any loss or damage caused by any act or omission of his whilst acting as such a pilot shall not exceed £1,000 and the amount of the pilotage charges in respect of the voyage during which the liability arose.
- (2) For the purposes of subsection (1) above a person shall be deemed to be an authorised pilot notwithstanding that he is acting as a pilot of a ship navigating outside the area in relation to which he is authorised if—
- (a) he is piloting the ship to that area from a place where pilots authorised for that harbour regularly board ships navigating to it; or
  - (b) he is piloting the ship from that harbour to a place where such pilots regularly leave ships navigating from it; and
  - (c) in either case, the ship is one in respect of which he is authorised.
- (3) Where, without any such personal act or omission by a competent harbour authority as is mentioned in Article 4 of the Convention in Part I of Schedule 4 to the Merchant Shipping Act 1979, any loss or damage to any ship, to any property on board any ship or to any property or rights of any kind is caused by an authorised pilot employed by it, the authority shall not be liable to damages beyond the amount of £1,000 multiplied by the number of authorised pilots employed by it at the date when the loss or damage occurs.
- (4) Where, without any such personal act or omission as mentioned in subsection (3) above by a person providing pilotage services on behalf of a competent harbour authority ("the agent"), any such loss or damage as there mentioned is caused by an authorised pilot employed by him, the agent shall not be liable to damages beyond the amount of £1,000 multiplied by the number of authorised pilots employed by him

providing pilotage services for that authority at the date when the loss or damage occurs.

- (5) The limit of liability under this section shall apply to the whole of any losses and damages which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person.
- (6) Where any proceedings are taken against any person ("the defendant") for any act or omission in respect of which liability is limited as provided by this section and other claims are or appear likely to be made in respect of the same act or omission, the court in which the proceedings are taken may—
  - (a) determine the amount of the liability;
  - (b) upon payment by the defendant of that amount into court, distribute that amount rateably amongst the claimants;
  - (c) stay, or in Scotland sist, any proceedings pending in any other court in relation to the same matter;
  - (d) proceed in such manner and subject to such requirements as the court thinks just—
    - (i) as to making interested persons parties to the proceedings;
    - (ii) as to the exclusion of any claimants whose claims are not made within a certain time;
    - (iii) as to requiring security from the defendant; and
    - (iv) as to payment of any costs.
- (7) Nothing in subsection (3) or (4) above shall affect any liability which may be limited under section 17 or is excluded under section 18 of the Merchant Shipping Act 1979 (liabilities of shipowners).
- (8) A competent harbour authority shall not be liable for any loss or damage caused by any act or omission of a pilot authorised by it under section 3 above by virtue only of that authorisation.
- (9) In this section "the court" means—
  - (a) in England and Wales, the High Court;
  - (b) in Scotland, the Court of Session; and
  - (c) in Northern Ireland, the High Court.

### *Deep sea pilotage*

## **23 Deep sea pilotage certificates**

- (1) The Secretary of State may authorise any body appearing to him to be competent to do so to grant certificates under this section ("deep sea pilotage certificates") in respect of such part of the sea falling outside the harbour of any competent harbour authority as he may specify.
- (2) Any body for the time being authorised under this section may grant a deep sea pilotage certificate to any person on application by him if it is satisfied (by examination or by reference to such criteria as it may reasonably impose) that he is qualified to act as a pilot of a ship for the area in respect of which the body is authorised under subsection (1) above.