



CHAPTER ccviii.

An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, relating to Bristol. A.D. 1890.
[14th August 1890.]

WHEREAS a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 52 & 53 Vict.
c. 68.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation
of Order in
schedule.

2. This Act may be cited as the Pilotage Order Confirmation (No. 2) Act, 1890. Short title.

A.D. 1890.

SCHEDULE.

Bristol.

BRISTOL.

*Order providing for the Representation of Pilots and Shipowners
on the Pilotage Committee of the Corporation of Bristol.*

- Short title. 1. This Order may be cited as the Bristol Pilotage Order, 1890.
- Interpretation. 2. In this Order the following expressions have the meanings assigned to them respectively ; (that is to say,)
 "The corporation" means the mayor, aldermen, and burgesses of the city of Bristol ;
 "The committee." means the committee appointed by the corporation for regulating or managing their affairs as a pilotage authority ;
 "Licensed pilot" means a pilot licensed by the corporation, acting as the pilotage authority for the district of the Bristol Channel, for navigating vessels up, down, or upon the Bristol Channel to the eastward of Lundy Island and the River Avon, but does not include a master or mate holding a certificate granted either under section 340 or section 342 of the Merchant Shipping Act, 1854 ;
 "Shipowner" means any person, or firm, or partnership, or any duly incorporated company whose name appears on the register book of ships kept at the port of Bristol as the owner of a vessel or vessels, or a part or parts of a vessel or vessels.
- Appointment of persons to represent partnerships for the purposes of this Order. 3. The rights or powers of a firm or partnership under this Order shall be vested in and exerciseable by a member thereof appointed to represent the firm for the purposes of this Order by writing under the hands of all the members of the firm, or, in default, by the member of the firm first named in the style thereof. The rights or powers of an incorporated company under this Order shall be vested in and exerciseable by a person appointed by writing under the seal of the Company to represent the company for the purposes of this Order. Every appointment made of a person to represent a firm, partnership, or company is to be revoked or superseded by a later appointment, and the last appointment is alone to be operative, and may be revoked by any similar writing.

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4. In the month of November in every year, in addition to the members of the council of the said city to be appointed by the corporation, representatives of licensed pilots and of shipowners may and shall be elected as in this Order provided to serve on the committee for the transaction of pilotage business only.

Pilots and ship-
owners to be
elected on
committee.

5. The licensed pilots and shipowners respectively may from time to time, in manner herein-after provided, each elect three persons (herein-after referred to as "pilots representatives" and "shipowners representatives" respectively) to be members of the committee so long as the members appointed by the corporation on the committee are nine, or less than nine, and if and whenever the members so appointed by the corporation shall be increased so as to exceed nine, the number of persons to be elected by the licensed pilots and by the shipowners respectively shall be increased so that the number elected by each such electorate shall never be less than one third of the number, for the time being, of the members of the committee appointed by the corporation.

Number of
elected
representatives
of pilots and
shipowners.

6. The pilots representatives are to be either licensed pilots or persons who have been licensed pilots, and are to be elected at a meeting of the licensed pilots. Such meeting shall take place in the month of November in each year, before or as soon as may be after the appointment by the corporation of the members of the committee to be appointed by them, at a time and place to be advertised by the town clerk of Bristol ten days at least, or in his default by a person to be appointed for the purpose by the Board of Trade five days at least, before the day appointed for election, in one or more of the newspapers published in the borough of Bristol. At such meeting the following rules shall be observed with respect to elections:—

Rules for
election of
pilots repre-
sentatives.

- (1.) The mayor of Bristol, or a person nominated by him, shall be the chairman of the meeting and the returning officer, and shall preside and regulate the proceedings at such meeting.
- (2.) Every licensed pilot shall be entitled to attend the meeting and take part and vote in the election of pilots representatives thereat.
- (3.) Candidates for the office of pilots representatives shall at such meeting be nominated and seconded by licensed pilots, and if the number of persons so nominated does not exceed the number of persons to be elected the persons so nominated shall be deemed to be duly elected; but if the number of persons nominated exceeds the number to be elected, the election shall be decided by the majority of the licensed pilots present or represented at the meeting.
- (4.) Every licensed pilot present or represented at the meeting is to be entitled to as many votes as there are persons to be elected, but is not to give more than one vote for any one candidate.
- (5.) Any licensed pilot not present at the meeting may by writing under his hand appoint another licensed pilot as proxy to represent him, provided that all instruments in writing appointing such proxy shall be lodged with the town clerk not later than the day preceding the day of election.

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Rules for
election of
shipowners
representa-
tives.

- (6.) The pilots representatives shall remain in office until the meeting for the election of such representatives in the month of November next succeeding their election, and shall then go out of office, but shall, if qualified, be eligible for re-election.
- (7.) In the event of two or more candidates having the same number of votes the chairman of the meeting shall have a casting vote.
- (8.) The chairman of the meeting as soon as may be after the election shall certify in writing to the town clerk the names of the persons so elected, and such persons shall thereupon become members of the committee.
7. The shipowners representatives are to be elected by a majority of votes of the shipowners at an election to be held in the following manner :—
- (1.) The town clerk of Bristol, on or before the first day of October, or in his default a person to be appointed for the purpose by the Board of Trade on or before the seventh day of October in each year, shall apply to the Registrar of Shipping at the Custom House, Bristol, for a list of the shipowners registered on the thirtieth day of September then next preceding, together with their addresses on the register, and such registrar shall, on or before the fourteenth day of October in each year, upon tender of his reasonable expenses, make out and supply such list certified under his hand, and the same shall be sufficient evidence that the persons named therein are shipowners entitled to take part and vote in the election of shipowners representatives under this Order.
- (2.) The registrar shall supply a copy of the list so made out to every person requiring the same on payment of the sum of sixpence for every hundred words and part of a hundred words of such copy, and a copy of such list shall be open to public inspection without any fee at the office of the town clerk of Bristol, or, in his default, of the person to be appointed as aforesaid by the Board of Trade.
- (3.) On or before the twenty-first day of October in each year candidates for the office of shipowners representatives shall be nominated, and each nomination shall be signed by two shipowners whose names are upon the list of shipowners so made out as aforesaid.
- (4.) If the number of persons so nominated does not exceed the number of persons to be elected the persons so nominated shall be deemed duly elected; but if the number of persons nominated exceeds the number to be elected the election shall be made in manner herein-after in this Order provided.
- (5.) A list of the persons so nominated shall (in the event of a poll becoming necessary) be forwarded by post by the town clerk of Bristol before the first day of November following the nomination, or in case of his default by a person to be appointed as aforesaid by the Board of Trade before the fifth day of the same month, to each shipowner whose name appears on the list at his registered address with proper instructions as to the time and method of voting.

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(6.) Each shipowner shall vote by making a mark opposite the name or names of the person or each of the persons (not exceeding the full number to be elected) for whose election he votes, and shall deliver the same to the town clerk of Bristol, or to such person as he shall appoint to receive the same, before the ninth day of the same month of November.

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(7.) If any persons obtain an equal number of votes the town clerk is to be entitled to a casting vote.

(8.) The town clerk is in every case to declare the result of the election by letter addressed to the mayor of Bristol, and sent or delivered to him on or before the tenth day of November.

(9.) Shipowners representatives are to remain in office until the ninth day of November in the year succeeding their election, and are then to go out of office but to be qualified for re-election.

8. If any vacancy occurs in the pilots representatives or the shipowners representatives respectively by death, resignation, or otherwise, or if by reason of any increase in the number of members of the committee appointed by the corporation after any election of pilots representatives or shipowners representatives, as the case may be, has been held, the number of pilots representatives and shipowners representatives or of the representatives of either of such electorates on the committee shall be less than is by this Order prescribed, it shall be lawful for the representatives for the time being on the committee of the said electorates respectively or either of them, as the case may be, by writing under their hands, or under the hands of a majority of them respectively, to appoint another person or other persons to be a member or members of the committee, and the member or members so appointed shall continue in office as if he or they had been duly elected at the election of representatives held in the month of November immediately preceding his or their appointment.

As to casual vacancies.

9. A vacancy in the office of a representative to be elected under this order is not in any way to affect the proceedings or powers of the committee.

Vacancy not to affect power of committee.

10. A member of the committee elected under this Order is not to take any part in any proceedings of the committee relating to any question affecting himself personally.

Members not to act in proceedings affecting them personally.

11. The costs, charges, and expenses of, and preliminary and incidental to, elections under this Order shall be paid by the persons nominated as candidates and consenting to their nomination in equal shares, and the proportion due from each candidate may be recovered by the committee from him as a simple contract debt.

Costs of elections.

12. The costs, charges, and expenses of, and preliminary and incidental to, the preparing for, obtaining, and passing this Order, or otherwise in relation thereto, including the confirmation thereof by Parliament, shall be paid as follows; that is to say, three fifth parts thereof by the corporation, one fifth part thereof by the licensed pilots, and the remaining one fifth part thereof by the Bristol Shipowners Association.

Costs of Order.

[Ch. ccviii.] *Pilotage Order Confirmation* [53 & 54 Vict.]
(No. 2) Act, 1890.

A.D. 1890.

Bristol.

Saving
Municipal
Corporations
Act, 1882.

Reserving
general Acts.

13. Except so far as is provided by the Merchant Shipping (Pilotage) Act, 1889, nothing in this Order shall be deemed to alter such of the provisions of the Municipal Corporations Act, 1882, as require the acts of the committee to be submitted to the council for their approval.

14. Nothing in this Order shall exempt the corporation or the committee or the pilotage district within their jurisdiction from the provisions of any general Act of Parliament now in force or hereafter to be passed relating to pilotage or pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration thereof under the authority of Parliament.

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