



Pilotage Act 1987

1987 CHAPTER 21

PART I

PILOTAGE FUNCTIONS OF COMPETENT HARBOUR AUTHORITIES

Preliminary

1 Meaning of “competent harbour authority” and “harbour”.

- (1) Subject to the following provisions of this section, in this Act “competent harbour authority” means any harbour authority—
 - (a) which has statutory powers in relation to the regulation of shipping movements and the safety of navigation within its harbour; and
 - (b) whose harbour falls wholly or partly within an active former pilotage district; and references to a harbour authority’s harbour are to the area or areas inside the limits of which its statutory powers and duties as a harbour authority are exercisable but, where there are two or more separate such areas, include only those areas which fall wholly or partly within an active former pilotage district.
- (2) In this Act any reference to a former pilotage district is to a district which was a pilotage district within the meaning of the ^{M1}Pilotage Act 1983 immediately before the day appointed for the coming into force of this Part of this Act (“the appointed day”) and for the purposes of subsection (1) above such a district is an active district if—
 - (a) at least one act of pilotage was performed there in 1984, 1985, 1986 or 1987 in respect of which information was given by the pilotage authority for the district in a return made by it under section 19 of that Act; or
 - (b) a certificate granted under section 20 of that Act (masters’ and first mates’ pilotage certificates) was in force in respect of the district at any time in any of those years in respect of which information was so given.
- (3) If the Secretary of State considers that in the interests of efficiency and safety of navigation a competent harbour authority should exercise pilotage functions both as respects its harbour and another area, he may by order provide—

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- (a) that this Act shall apply to that authority as if its harbour included that other area; and
 - (b) in a case where the other area is or falls within the harbour of another competent harbour authority, that that other authority shall not be a competent harbour authority for the purposes of this Act.
- (4) A harbour authority which is not a competent harbour authority may apply to the Secretary of State to be treated for the purposes of this Act as such an authority and on such an application the Secretary of State may by order provide that the applicant shall be a competent harbour authority for the purposes of this Act.
- [^{F1}(4A) A harbour authority in England or Wales is not a competent harbour authority for the purposes of this Act while it is specified in an order of the Secretary of State under this subsection.]
- [^{F1}(4B) A harbour authority in Scotland is not a competent harbour authority for the purposes of this Act while it is specified in an order of the Scottish Ministers under this subsection.]
- [^{F2}(5) An order under this section may be amended or revoked by further order.]
- (6) The Secretary of State shall maintain a list of the authorities which are for the time being competent harbour authorities for the purposes of this Act.
- (7) [^{F3}Before making an order under [^{F4}subsection (3) or (4)] the Secretary of State shall inform the persons he considers may be affected by the order of the terms of the proposed order and that they may within such reasonable period as he may specify object to the making of the order by giving him notice in writing.]
- (8) [^{F3} Where any person has duly objected under subsection (7) above to the making of a proposed order and has not withdrawn his objection, then if the Secretary of State makes an order in that form (or a substantially similar form) it shall be subject to special parliamentary procedure, and the ^{M2} Statutory Orders (Special Procedure) Act 1945 shall have effect accordingly, but as if—
- (a) sections 2 and 10(2) of that Act (which relate to preliminary proceedings) were omitted; and
 - (b) that Act extended to Northern Ireland and, in the application of section 7(3) of that Act to Northern Ireland, for any reference to a local authority and the Secretary of State there were substituted respectively a reference to a district council and the Department of the Environment for Northern Ireland.]
- [^{F5}(8AA) Before making an order under subsection (4A) or (4B) the person making the order must consult—
- (a) any harbour authority to which the order would apply, and
 - (b) anyone else who the person making the order thinks appropriate.]
- [^{F5}(8B) An order under this section may include transitional, consequential, incidental or supplemental provision.]
- (9) For the purposes of subsection (1) above “harbour authority” does not include—
- (a) any authority excluded by virtue of section 58 of the ^{M3} Harbours Act 1964 from being taken as a harbour authority for the purposes of that Act;
 - (b) a Queen’s harbour master; or
 - (c) any own account operator.

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- (10) For the purposes of subsection (1)(a) above powers exercisable by the harbour master for a harbour shall be taken to be exercisable by the harbour authority which appointed him.
- (11) In this section “own account operator” means a statutory harbour undertaker within the meaning of section 42 of the Harbours Act 1964 or a harbour authority within the meaning of the ^{M4}Harbours Act (Northern Ireland) 1970 whose activities in the harbour in question relate wholly or mainly to ships resorting to the harbour wholly or mainly for the purpose of bringing or receiving goods which—
- (a) have been manufactured or produced by the statutory harbour undertaker or, as the case may be, the harbour authority or any connected person; or
 - (b) are to be used by him or any connected person for the manufacture or production of goods or electricity;

and for the purposes of this subsection a person is connected with a statutory harbour undertaker or, as the case may be, harbour authority, if he is a holding company or subsidiary of the undertaker, or authority, or a member of a consortium the members of which between them own, directly or indirectly, more than half the issued share capital of the undertaker or authority.

Textual Amendments

- F1** S. 1(4A)(4B) inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 1(1)**,13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F2** S. 1(5) substituted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 1(2)**,13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F3** S. 1(7)(8) repealed (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#),s. 30(4),**sch. 3**; S.S.I. 2007/516, art. 2; S.S.I. 2007/516, art. 2
- F4** Words in s. 1(7) substituted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 1(3)**, 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3
- F5** S. 1(8AA)(8B) inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 1(4)**,13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3

Modifications etc. (not altering text)

- C1** S. 1: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(f)(i)**, 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, **reg. 3(g)** (with transitional provisions and savings in S.I. 2018/278, reg. 2, Sch.)

Marginal Citations

- M1** 1983 c. 21.
M2 1945 c. 18.
M3 1964 c. 40.
M4 1970 c.1 (N.I.).

[^{F6}1A Procedure on orders under section 1

- (1) Where the Scottish Ministers propose to make an order under section 1 above (other than under subsection (4)[^{F7}or (4B)] of that section), they must before doing so—
- (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the provisions of the order will have most effect;

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- (ii) in the Edinburgh Gazette; and
 - (iii) in such other publication as seems to them appropriate; and
 - (b) send a copy of the notice to such persons as they consider may be affected by the order.
- (2) Where the Scottish Ministers propose to make an order under subsection (4) of section 1 above, the harbour authority which made application under that subsection must, before the order is made—
- (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the provisions of the order will have most effect;
 - (ii) in the Edinburgh Gazette; and
 - (iii) in such other publication as may be directed by the Scottish Ministers; and
 - (b) send a copy of the notice—
 - (i) to such persons as they consider may be affected by the order; and
 - (ii) to such other persons as the Scottish Ministers may direct.
- (3) A notice under subsection (1) or (2) above must—
- (a) contain a summary of the contents of the proposed order;
 - (b) specify a place where a copy of the proposed order (and of any related map or plan) is available for public inspection; and
 - (c) provide details as to the making to the Scottish Ministers of objections to the proposed order by a date specified in the notice (that date being no less than 42 days after the first date of publication of the notice in terms of paragraph (a) (i) of subsection (1) or (2) above).
- (4) Where a harbour authority affected by the proposed order makes an objection to the Scottish Ministers by the date specified in the notice, the Scottish Ministers shall arrange for the objection to be considered—
- (a) at a public local inquiry; or
 - (b) at a hearing before a person appointed by them.
- (5) Where the Scottish Ministers receive any other objection by the date specified in the notice and they do not consider the objection to be frivolous or trivial, they shall arrange for the objection to be considered—
- (a) at a public local inquiry;
 - (b) at a hearing before a person appointed by them; or
 - (c) by way of written representations.
- (6) Subsections (2) and (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (attendance and evidence at, and expenses of, inquiries) apply to an inquiry held under subsection (4)(a) or (5)(a) above as they apply to a local inquiry under that Act.
- (7) Subsections (6) to (8) of section 210 of the Local Government (Scotland) Act 1973 apply to a hearing held under subsection (4)(b) or (5)(b) above as they apply to a local inquiry under that Act.
- (8) The Scottish Ministers are to have regard to—
- (a) a report by the person conducting any inquiry or hearing under subsection (4) or (5) above; and

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- (b) any written representations in terms of subsection (5)(c) above, before deciding whether or not to make the proposed order (with or without modifications).
- (9) After an order has been made, the Scottish Ministers or, where the order is made under subsection (4) of section 1 above, the harbour authority which made application under that subsection must—
- (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the provisions of the order will have most effect; and
 - (ii) in the Edinburgh Gazette; and
 - (b) send a copy of the notice to—
 - (i) any person to whom a copy notice was sent under paragraph (b) of subsection (1) or (2) above, as the case may be;
 - (ii) any person whose objection was considered at an inquiry or hearing under subsection (5) above; and
 - (iii) any other person whom the Scottish Ministers consider appropriate.
- (10) A notice under subsection (9) above must—
- (a) state that the order has been made;
 - (b) specify the date on which it comes into force; and
 - (c) specify a place where a copy of the order is available for public inspection.]

Textual Amendments

F6 S. 1A inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 26, 30(4)**; [S.S.I. 2007/516](#), art. 2

F7 Words in s. 1A(1) inserted (1.10.2013) by virtue of [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 1(5), 13**; [S.S.I. 2013/254](#), art. 2; [S.I. 2013/1489](#), art. 3

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