



Pilotage Act 1987

1987 CHAPTER 21

PART I

PILOTAGE FUNCTIONS OF COMPETENT HARBOUR AUTHORITIES

Provision of pilotage services

2 General duties as to provision of pilotage services

- (1) Each competent harbour authority shall keep under consideration—
 - (a) whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbour; and
 - (b) whether in the interests of safety pilotage should be compulsory for ships navigating in any part of that harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.
- (2) Without prejudice to the generality of subsection (1) above, each competent harbour authority shall in performing its functions under that subsection have regard in particular to the hazards involved in the carriage of dangerous goods or harmful substances by ship.
- (3) Each competent harbour authority shall provide such pilotage services as it considers need to be provided as mentioned in subsection (1)(a) and (b) above.

3 Authorisation of pilots

- (1) Subject to subsection (3) and section 4 below, a competent harbour authority may authorise such persons to act as pilots in or in any part of the area in relation to which its duty under section 2(1) above is exercisable as it considers are suitably qualified to do so; and such an authorisation shall specify the area within which it has effect and may specify that it only has effect in relation to ships of a particular description.

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- (2) The authority may determine the qualifications in respect of age, physical fitness, time of service, local knowledge, skill, character and otherwise to be required from persons applying for authorisation and provide for the examination of such persons; and different qualifications may be required from persons who immediately before the appointed day were the holders of licences under section 12 of the Pilotage Act 1983, time-expired apprentice pilots or recognised assistant pilots.
- (3) During the period of four years beginning with the appointed day a competent harbour authority shall not authorise any persons who were not immediately before the appointed day holders of full licences (that is to say, licences under that section other than licences for a limited period which are not renewable) unless the number of such persons applying to be authorised under this section who have the required qualifications falls short of the number the authority considers are required to be authorised.
- (4) If at any time during that period there is such a shortfall, the competent harbour authority shall not authorise any person who was not immediately before that day a time-expired apprentice pilot or a recognised assistant pilot unless the number of such apprentice and assistant pilots applying to be authorised who have the required qualifications also falls short of that number.
- (5) A competent harbour authority may suspend or revoke an authorisation granted by it under this section if it appears to it—
 - (a) that the authorised person has been guilty of any incompetence or misconduct affecting his capability as a pilot;
 - (b) that the authorised person has ceased to have the qualifications required from persons applying for authorisation by it under this section or has failed to provide evidence that he continues to have those qualifications;
 - (c) that the number of persons for the time being authorised by it under this section exceeds the number required to be authorised; or
 - (d) that it is appropriate to do so by virtue of the termination of any contract or other arrangement under which the services of pilots are provided within its harbour;but the authorisation of a person who provides his services as a pilot under a contract for services may not be revoked by an authority by virtue of paragraph (c) above unless it gave him notice before the appointed day that the number of persons it proposed to authorise exceeded the number required to be authorised and it proposed to revoke his authorisation after allowing him a reasonable period from the appointed day to seek authorisation by another competent harbour authority.
- (6) Before suspending or revoking an authorisation under subsection (5)(a) or (b) above, a competent harbour authority shall give written notice of its intention to do so to the authorised person, stating the reasons for which it proposes to act, and shall give him a reasonable opportunity of making representations.
- (7) Where a competent harbour authority suspends or revokes an authorisation of any person by virtue of paragraph (c) or (d) of subsection (5) above, it shall give him notice in writing—
 - (a) stating that the suspension or revocation was by virtue of that paragraph; and
 - (b) specifying the duration of the authorisation in question and any previous authorisations granted to that person by the authority.

- (8) If any person who is not an authorised pilot for an area describes himself whilst he is in that area as being such a pilot or so holds himself out as to indicate or be reasonably understood to indicate that he is such a pilot, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) A person who is an authorised pilot for a harbour for which the competent harbour authority is a local authority shall not by reason of his holding any office or employment as a pilot be disqualified for being a member of any committee of that local authority with any functions in respect of which knowledge or experience relevant to pilotage is material or for being a representative of the local authority on a joint committee of the authority and another authority with such functions.
- (10) In this section—
- "local authority" means—
- (a) in England and Wales, a local authority within the meaning of the Local Government Act 1972;
 - (b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act 1973; and
 - (c) in Northern Ireland, a district council;
- "time-expired apprentice pilot" means a person who has served the full term of his apprenticeship as a pilot but is not the holder of a licence under section 12 of the Pilotage Act 1983;
- "recognised assistant pilot" means a person who acts as an assistant to pilots in a pilotage district and is recognised as such an assistant by the pilotage authority for the district but is not the holder of such a licence.

4 Employment etc. of authorised pilots

- (1) Subject to subsection (2) below, a competent harbour authority may make such arrangements as it considers appropriate for the provision of the services of authorised pilots in the area in relation to which its duty under section 2(1) above is exercisable (whether under a contract of employment or a contract for services).
- (2) A competent harbour authority shall offer to employ under a contract of employment any person it authorises under section 3 above who is not already employed by it under such a contract ("the new pilot") unless—
- (a) a majority of the relevant licence holders have agreed during the period beginning six months and ending three months before the appointed day that it need not do so; or
 - (b) a majority of the relevant authorised pilots have agreed on or after that day that it need not do so.
- (3) For the purposes of subsection (2) above—
- "relevant licence holders" means—
- (a) in the case of a competent harbour authority whose harbour falls within more than one former pilotage district, the persons who at the time of the agreement were holders of full licences (within the meaning of section 3(3) above) for the pilotage district in which the area for which the new pilot is authorised falls;
 - (b) in the case of a competent harbour authority whose harbour falls within a former pilotage district in which another such authority's harbour also

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falls, the persons who at that time were holders of such licences for that district and, in the opinion of the Pilotage Commission, were then regularly providing their services as pilots within the part of the district in which the first-mentioned authority's harbour is situated;

- (c) in any other case, all the persons who at that time were the holders of such licences for the former pilotage district in which the competent harbour authority's harbour falls; and

"relevant authorised pilots" means—

- (i) in the case mentioned in paragraph (a) above, the persons who at the time of the agreement are authorised pilots for the area for which the new pilot has been authorised; and
- (ii) in any other case the persons who at that time are authorised pilots for the harbour of the authority.

- (4) A competent harbour authority may refuse to authorise any person who is not willing to provide his services as a pilot in accordance with the arrangements made for the provision of such services in its area.
- (5) A competent harbour authority may pay into any pilots' benefit fund established under paragraph (i) of section 15(1) of the Pilotage Act 1983 such contributions as may be required by the rules governing that fund in respect of any authorised pilot providing his services under such arrangements as mentioned in subsection (1) above.

5 Temporary procedure for resolving disputes as to terms of employment

- (1) Where any dispute arises between a competent harbour authority and an authorised pilot or a person wishing to be authorised under section 3 above by the authority—
- (a) as to what the terms of any provision in any contract of employment which is to be entered into between them should be; or
- (b) whether the terms of any provision in any existing such contract between them should be modified,

and that dispute cannot be resolved by negotiation between them, the authority or the majority of the authorised pilots for its harbour may refer the dispute to an arbitration panel appointed in accordance with subsection (2) below and the panel shall determine what the terms of that provision should be and the kinds of contracts of employment between the authority and authorised pilots to which their determination is to apply ("relevant contracts").

- (2) The arbitration panel referred to in subsection (1) above shall consist of three members, one, the Chairman, appointed by the Secretary of State, one, by a body appearing to the Secretary of State to be representative of harbour authorities throughout the United Kingdom and one by a body appearing to him to be representative of pilots throughout the United Kingdom.
- (3) In making a determination under subsection (1) above the arbitration panel shall have regard to any general guidance issued by the Secretary of State as to the matters to be considered by them.
- (4) Where the arbitration panel make a determination under subsection (1) above then, subject to any agreement to the contrary between the parties and to the effect of any subsequent determination under this section—

- (a) on and after the date on which the determination is made any relevant contracts entered into before that date shall have effect with the substitution for any inconsistent provision of a provision in the terms determined by the panel; and
 - (b) any relevant contracts entered into on or after that date shall contain a provision in those terms.
- (5) The references to contracts in subsection (1) above do not include contracts of employment entered into before the appointed day for the provision of services as a pilot before that day.
- (6) In the case of an authority whose harbour falls within more than one former pilotage district, for the reference in subsection (1) above to the majority of the authorised pilots for its harbour there shall be substituted a reference to the majority of the authorised pilots for the part of the harbour for which the person as to whose contract the dispute has arisen is or wishes to be authorised.
- (7) Subject to the provisions of this section, the Secretary of State may by regulations make such provision as he thinks fit as respects the referral and determination of disputes under subsection (1) above and such regulations may, in particular, provide that the expenses of such referrals and determinations are to be borne by the Pilotage Commission or by such other person as the Secretary of State thinks fit.
- (8) The preceding provisions of this section shall cease to have effect on such date (not being earlier than the expiry of the period of three years beginning with the appointed day) as the Secretary of State may by order prescribe, but no such order shall affect the terms of any contract continuing in force at that date.

6 Pilot boats

- (1) Ships regularly employed in pilotage services provided by or on behalf of any competent harbour authority (in this Act referred to as "pilot boats") shall—
- (a) if they are operated by the authority, be approved by the authority; and
 - (b) otherwise be licensed by it;
- and the authority shall not approve or license any ship under this subsection unless it is satisfied that it is suitable for use as a pilot boat.
- (2) A competent harbour authority shall make such other provision as it considers necessary for the operation of pilot boats.