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*Status: Point in time view as at 30/05/2003.*  
*Changes to legislation: There are currently no known outstanding effects for the Pilotage Act 1987. (See end of Document for details)*

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE A1

Section 3(1A) and (2A)

#### RECOGNITION OF EEA QUALIFICATIONS AND EXPERIENCE IN RELATION TO PILOTAGE IN INLAND WATERS

##### Textual Amendments

- F1** Sch. A1 inserted (30.5.2003) by The Pilotage (Recognition of Qualifications and Experience) Regulations 2003 (S.I. 2003/1230), regs. 1, 2(5)

##### *Scope of Schedule and interpretation*

1. (1) This Schedule applies where a competent harbour authority receives an application for authorisation, or has authorised a person, under section 3(1) of this Act to act as a pilot—
  - (a) in inland waters only; or
  - (b) in inland waters and other waters.
- (2) In this Schedule—

“adaptation period” means a period during which the applicant acts as a pilot under the supervision of a pilot authorised by the competent harbour authority, with or without undertaking further education and training, with the aim of assessing his ability to act as a pilot in the United Kingdom;

“aptitude test” means a test of the applicant’s professional knowledge conducted by the competent harbour authority with the aim of assessing his ability to act as a pilot in the United Kingdom; and

“EEA State” means any state which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.

##### *Formal qualifications*

2. (1) This paragraph applies where—
  - (a) a competent harbour authority requires particular formal qualifications from persons applying for authorisation; and
  - (b) a person applying for authorisation (“the applicant”)—
    - (i) is a national of an EEA State other than the United Kingdom; and
    - (ii) does not hold the required qualifications, but holds formal qualifications obtained in an EEA State other than the United Kingdom.
- (2) If the applicant’s formal qualifications show a level of knowledge and skill corresponding to or exceeding the level shown by the formal qualifications required by the authority, the authority shall not refuse the applicant authorisation, or refuse

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to consider the application, on the basis that he does not hold the required formal qualifications.

- (3) If the applicant's formal qualifications show a level of knowledge and skill which is substantially below the level shown by the formal qualifications required by the authority, the authority shall allow the applicant to undergo an adaptation period or an aptitude test to demonstrate that he has acquired the knowledge and skills which were lacking.
- (4) The authority shall make provision for an adaptation period and an aptitude test for this purpose and the applicant shall be permitted to choose to undergo either the adaptation period or the aptitude test.
- (5) If, by undergoing the adaptation period or the aptitude test, the applicant demonstrates that he has acquired the knowledge and skills which were lacking, the authority shall not refuse the applicant authorisation, or refuse to consider the application, on the basis that he does not hold the required formal qualifications.
- (6) Sub-paragraphs (2) to (5) are subject to paragraph 3.

***Person intending to act in a self-employed capacity or as manager of an undertaking***

3. (1) This paragraph applies where—
  - (a) a competent harbour authority requires persons applying for authorisation to have knowledge of, and to demonstrate that they apply, specific national rules in force; and
  - (b) a person applying for authorisation (“the applicant”)—
    - (i) is a national of an EEA State other than the United Kingdom; and
    - (ii) envisages acting as a pilot in a self-employed capacity or as a manager of an undertaking.
- (2) The competent harbour authority shall not refuse the applicant authorisation on the basis that he does not have knowledge of, or has not demonstrated that he applies, the specific national rules in force unless—
  - (a) the authority has allowed the applicant to undergo an adaptation period or an aptitude test to satisfy the authority that he has the required knowledge and does apply those rules; and
  - (b) the authority is not so satisfied.
- (3) The authority shall make provision for an adaptation period and an aptitude test for this purpose and shall endeavour to take into consideration the applicant's preference as to which one of those alternatives he undergoes.

***Consideration of application to which paragraph 2 or 3 applies, and appeals***

4. (1) This paragraph applies where a person (“the applicant”) makes an application to a competent harbour authority for authorisation and paragraph 2 or paragraph 3 applies.
- (2) The competent harbour authority shall—
  - (a) examine without unreasonable delay the application for authorisation;
  - (b) take its decision on the application within the period of four months beginning with the date on which the application and comprehensive supporting documentation were submitted; and

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- (c) in giving its decision on the application, state the reasons for its decision.
- (3) The applicant may appeal to the Secretary of State in respect of—
- (a) a failure by the authority to take a decision on the application; or
  - (b) an act or omission of the authority on the grounds that the act or omission breaches paragraph 2 or 3 of this Schedule.
- (4) An appeal to which this paragraph applies shall be made in such manner as the Secretary of State may direct.

### ***Professional training and experience***

5. (1) This paragraph applies where a competent harbour authority requires general commercial or professional knowledge and ability from persons applying for authorisation.
- (2) The authority shall accept, as sufficient evidence of such knowledge and ability, appropriate experience gained in an EEA State other than the United Kingdom by a person applying for authorisation (“the applicant”).
- (3) For the purposes of this paragraph, “appropriate experience” means any of the following—
- (a) the fact that the applicant has worked in pilotage in either a self employed capacity or as manager of an undertaking, for at least six consecutive years during a period ending not more than ten years before the date on which his application for authorisation is made;
  - (b) where the applicant proves that he has had at least three years' prior training, the fact that he has worked in pilotage in either a self employed capacity or as manager of an undertaking for at least three consecutive years;
  - (c) where the applicant proves that he has worked in pilotage in an employed capacity, for at least five years during a period ending not more than ten years before the date on which his application for authorisation is made, the fact that he has worked in pilotage in a self employed capacity for three consecutive years during the same period;
  - (d) where the applicant proves that he has received at least three years' prior training, the fact that he has worked in pilotage for at least five consecutive years in a managerial capacity, of which at least three years were spent in technical posts with responsibility for one or more departments of the undertaking.
- (4) Where an applicant has worked as mentioned in sub-paragraph (3)(b) or (d) and has received at least two years', but less than three years', prior training, he is to be treated as falling within the criteria in that sub-paragraph if the time he has spent working and the time during which he has received prior training, when taken together, equal—
- (a) in relation to sub-paragraph (3)(b), at least six years; and
  - (b) in relation to sub-paragraph (3)(d), at least eight years.

### ***Proof of professional training and experience***

6. (1) The competent harbour authority shall accept as proof of any of the matters mentioned in paragraph 5(3), other than proof of the prior training mentioned in paragraph 5(3)(b) and (d), a certificate concerning the nature and duration of the activity in question and issued by—

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- (a) a competent harbour authority; or
  - (b) the competent authority of the EEA State from which the applicant comes.
- (2) For the purpose of proof of the prior training mentioned in paragraph 5(3)(b) and (d), that training must be either—
- (a) attested to by a certificate which is nationally recognised in the EEA State in which it was obtained (“a training certificate”); or
  - (b) regarded by a competent professional or trade body of an EEA State other than the United Kingdom as fully satisfying that body’s requirements.
- (3) Where the applicant holds a certificate which—
- (a) is nationally recognised in the EEA State in which it was obtained; and
  - (b) attests to knowledge and ability equivalent to at least three years of professional training in pilotage,
- that certificate may be treated by the competent harbour authority in the same way as a training certificate.
- (4) For the purposes of paragraphs (a) and (b) of paragraph 5(3), a person shall be regarded as having worked in pilotage as manager of an undertaking if he has so worked—
- (a) as a manager of an undertaking or a manager of a branch of an undertaking;
  - (b) as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented; or
  - (c) in a managerial post with duties of a commercial or technical nature and with responsibility for one or more departments of the undertaking.

***Proof of other matters***

7. (1) This paragraph applies where—
- (a) a competent harbour authority requires persons who apply for authorisation to furnish proof of their good character or proof that they are not and have not previously been declared bankrupt; and
  - (b) a person applying for authorisation (“the applicant”) is a national of an EEA State other than the United Kingdom.
- (2) The competent harbour authority shall accept, as sufficient evidence that such a requirement is satisfied by the applicant—
- (a) an extract from the judicial record of the EEA State of which the applicant is a national or from which he comes, showing that the requirement is satisfied; or
  - (b) failing this, an equivalent document issued by a competent judicial or administrative authority in the EEA State of which he is a national or from which he comes, showing that the requirement is satisfied,
- which in either case complies with sub-paragraph (3).
- (3) The extract or equivalent document must have been issued within the period of three months ending with the date on which it is produced to the competent harbour authority.
8. (1) This paragraph applies where—

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- (a) a competent harbour authority imposes requirements as to the good character of persons who apply for authorisation and requires such persons to prove that they are not and have not previously been declared bankrupt and have not previously been the subject of professional or administrative disciplinary measures; and
    - (b) a person applying for authorisation (“the applicant”) is a national of an EEA State other than the United Kingdom.
  - (2) If proof of such requirements cannot be obtained from a document such as mentioned in paragraph 7, the competent harbour authority shall accept, as sufficient evidence that such a requirement is satisfied by the applicant, a certificate which—
    - (a) is issued by a competent judicial or administrative authority in the EEA State of which the applicant is a national or from which he comes, attesting that the requirement is satisfied;
    - (b) relates to the specific facts regarded by the authority as relevant; and
    - (c) complies with sub-paragraph (3).
  - (3) The certificate must have been issued within the period of three months ending with the date on which it is produced to the competent harbour authority.
9.
  - (1) This paragraph applies in a case to which either paragraph 7 or 8 applies, where the EEA State of which the applicant is a national or from which he comes does not issue the document in question mentioned in the relevant paragraph.
  - (2) Subject to sub-paragraph (3), the competent harbour authority shall accept, as sufficient evidence of the satisfaction of a requirement mentioned in paragraph 7(1) (a) or 8(1)(a), a declaration that the relevant requirement is satisfied, which—
    - (a) is made by the applicant before a competent judicial or administrative authority, or a notary in the relevant EEA State; and
    - (b) complies with sub-paragraph (4).
  - (3) The competent harbour authority shall also accept, as sufficient evidence of the satisfaction of a requirement in paragraph 7 or 8 to prove no previous bankruptcy, a declaration of no previous bankruptcy, which,—
    - (a) is made by the applicant before a competent professional or trade body in the relevant EEA State; and
    - (b) complies with sub-paragraph (5).
  - (4) The declaration mentioned in sub-paragraph (2) must—
    - (a) be a declaration on oath or, in an EEA State where there is no provision for declaration on oath, be a solemn declaration;
    - (b) have been made within the period of three months ending with the date on which it is produced to the competent harbour authority; and
    - (c) be accompanied by a certificate issued by the relevant authority or notary and attesting to the authenticity of the declaration.
  - (5) The declaration mentioned in sub-paragraph (3) must—
    - (a) be a declaration on oath or, in an EEA State where there is no provision for declaration on oath, be a solemn declaration; and
    - (b) have been made within the period of three months ending with the date on which it is produced to the competent harbour authority.

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10. (1) This paragraph applies where a competent harbour authority requires persons applying for authorisation or authorised persons to provide proof of financial standing.
- (2) The authority shall regard certificates issued by banks in an EEA State of which such a person is a national or from which such a person comes, as equivalent to those issued by banks in the United Kingdom.
11. (1) This paragraph applies where a competent harbour authority requires persons applying for authorisation or authorised persons to provide proof that they are insured against the financial risks arising from their professional liability.
- (2) The authority shall accept, as equivalent to a certificate issued by an insurance undertaking of the United Kingdom, a certificate which is issued—
- (a) by an insurance undertaking of an EEA State other than the United Kingdom; and
- (b) within the period of three months ending with the date on which it is produced to the competent harbour authority.]

## SCHEDULE 1

### TRANSITIONAL AND SAVING PROVISIONS

- 1 For the purposes of any provision of this Act which comes into force before Part I of this Act and of the exercise of any powers conferred by this Act before that Part comes into force by virtue of section 13 of the <sup>M1</sup>Interpretation Act 1978 (anticipatory exercise of powers), a harbour authority shall be taken to be a competent harbour authority at any time if it would be such an authority if that Part and any order made under section 1(3) or (4) of this Act by virtue of the said section 13 had come into force immediately before that time and the area which shall be taken to be its harbour shall be determined accordingly.

#### **Marginal Citations**

**M1** 1978 c. 30.

- 2 (1) Where any dispute arises before the appointed day between a competent harbour authority and any person who wishes to be authorised under section 3 of this Act by the authority on or after that day as to what the terms of any provision in any contract of employment which is to be entered into between them should be and that dispute cannot be resolved by negotiation between them, the authority or any person or organisation which represents the majority of the holders of licences under section 12 of the <sup>M2</sup>Pilotage Act 1983 for a pilotage district in which the authority's harbour falls may refer the dispute to an arbitration panel appointed in accordance with section 5(2) of this Act, 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 ("material contracts").
- (2) Subsections (3), (4), (5) (7) and (8) of section 5 of this Act shall apply for the purposes of this paragraph as if references in those subsections to subsection (1) of that section included references to sub-paragraph (1) above and references in subsection (4) to relevant contracts included references to material contracts.

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- (3) If regulations under subsection (7) of that section as it applies by virtue of subparagraph (2) above provide that the expenses of referrals and determinations under this paragraph are to be borne by the Pilotage Commission, section 3 of the Pilotage Act 1983 shall apply as if those expenses were expenses of the Commission in performing its functions.
- (4) Where any such dispute as mentioned in subsection (1) of section 5 to this Act arises on or after the appointed day but before the competent harbour authority in question has authorised any persons under section 3 of this Act, for the reference in that subsection to the majority of the authorised pilots for its harbour there shall be substituted a reference to any person or organisation which represents the majority of the holders of licences under section 12 of the Pilotage Act 1983 for a former pilotage district in which the authority's harbour falls.

#### Marginal Citations

M2 1983 c. 21.

- 3 Where a competent harbour authority which proposes on or after the appointed day to direct that pilotage shall be compulsory for ships navigating in an area outside its harbour applies before that day for the making of the harbour revision order which will be required by virtue of section 7(5) of this Act and that area is an area in which pilotage is compulsory by virtue of an order under section 9(1)(i) of the Pilotage Act 1983—
- (a) before making the order the Secretary of State shall consult such persons as appear to him to be affected by it and, after considering any objections made by them, he may refuse to make the order, make the order in the form of the draft submitted to him or, if he considers that it should be modified, make the order in that form but with such modifications as he considers appropriate after consulting those persons again as to the modifications;
- (b) paragraphs 3, 4 and 5(c) of Schedule 3 to the <sup>M3</sup>Harbours Act 1964 (publication of notices concerning proposed harbour revision orders and provisions as to objections to them) shall not apply and the references in paragraph 4A(2) of that Schedule to an objection or a comment being duly made shall be taken to be references to the objection or comment being made in writing and stating the grounds on which it is made;
- (c) after the making of the order the direction shall apply to the area within the authority's limits of jurisdiction as extended by the order, notwithstanding that the order is not yet in force.

#### Marginal Citations

M3 1964 c. 40.

- 4 (1) Any pilots' benefit fund established under paragraph (i) of section 15(1) of the <sup>M4</sup>Pilotage Act 1983 shall continue in existence notwithstanding the repeal of that section by this Act and the Secretary of State may by order make such provision as he considers appropriate as to—
- (a) the operation after the repeal of that section of the byelaws under which any such fund was established;

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- (b) the appointment of the managers of any such fund and any powers to be exercisable as respects the management of the fund by the persons who are to appoint those managers; and
  - (c) the powers of any such managers to amend or revoke the byelaws or any other provision governing the fund.
- (2) Before making an order under sub-paragraph (1) above in respect of any fund the Secretary of State shall consult such persons or organisations as appear to him to be representative of competent harbour authorities and such persons or organisations as appear to him to be representative of the persons who may benefit from the fund.

#### **Marginal Citations**

**M4** 1983 c. 21.

- 5 (1) Any pilotage certificate which immediately before the appointed day is in force under section 20 of the Pilotage Act 1983 shall continue in force during the period for which it was granted as if it had been granted under section 8 of this Act by the authority or authorities which are the competent harbour authorities as respects the area in relation to which the certificate was granted and section 8 of this Act shall apply accordingly.
- (2) Where an application is made under section 8(5) of this Act by virtue of sub-paragraph (1) above to the competent harbour authority or one of the competent harbour authorities by which a certificate is deemed under that sub-paragraph to have been granted, the authority in question shall, if it renews the certificate under that section, issue the applicant with a copy of the certificate as it has effect by virtue of the application.
- 6 (1) The Secretary of State shall, on application by any body which immediately before the appointed day was authorised under the Pilotage Act 1983 to grant deep sea pilotage certificates, authorise the body under section 23 of this Act to grant certificates under that section.
- (2) Any deep sea pilotage certificate granted to any person by virtue of section 9(1)(j) of the Pilotage Act 1983 which is in force immediately before the appointed day in respect of any area shall continue in force during the period for which it was granted and may on application by him be renewed by any body authorised under section 23 of this Act in respect of the whole or part of that area on the same terms and conditions as if it had been granted by that body under section 23.

## SCHEDULE 2

### CONSEQUENTIAL AMENDMENTS

- 1 (1) In the definition of “pilot boat” in subsection (4) of section 4 of the <sup>M5</sup>Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 for the words “section 45 of the Pilotage Act 1983” there shall be substituted the words “section 6 of the Pilotage Act 1987”.
- (2) Sub-paragraph(1) above shall not affect the operation of any scheme made under that section before this paragraph comes into force.



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**Marginal Citations**

**M5** 1939 c. 83.

- 2 The enactments and instruments with respect to which provision may be made by an Order in Council under section 1(1)(h) of the <sup>M6</sup>Hovercraft Act 1968 shall include this Act and any instrument made under it.

**Marginal Citations**

**M6** 1968 c. 59.

- 3 In the <sup>M7</sup>Offshore Petroleum Development (Scotland) Act 1975—  
(a) in section 6(2) the words “and, where appropriate, any pilotage authority” shall be omitted; and  
(b) for paragraph (c) of section 18 there shall be substituted—  
“(c) the Pilotage Act 1987.”

**Marginal Citations**

**M7** 1975 c. 8.

- 4 At the end of section 35(3)(b)(ii) of the <sup>M8</sup>Finance Act 1980 there shall be inserted the words “or authorised by a competent harbour authority”.

**Marginal Citations**

**M8** 1980 c. 48.

<sup>F25</sup> .....

**Textual Amendments**

**F2** Sch. 2 para. 5 repealed (15.2.1999) by 1998 c. 17, s. 51(1), **Sch. 5 Pt. I**; S.I. 1999/161, **art. 2(1)**

SCHEDULE 3

Section 32(5).

REPEALS AND REVOCATIONS

**Commencement Information**

**I1** Sch. 3 wholly in force at 30.4.1991; Sch. 3 not in force at Royal Assent see s. 33(2); Sch. 3 partly in force at 1.2.1988 by **S.I. 1987/2138**; Sch. 3 partly in force at 1.10.1988 by **S.I. 1988/1137**; Sch. 3 wholly in force at 30.4.1991 by **S.I. 1991/1029**

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<b>Chapter or number</b>	<b>Short title</b>	<b>Extent of repeal or revocation</b>
1975 c. 8.	The Offshore Petroleum Development (Scotland) Act 1975.	In section 6(2), the words “and, where appropriate, any pilotage authority”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Pilotage Commission.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Pilotage Commission.
1979 c. 39.	The Merchant Shipping Act 1979.	In section 50(2), the definition of “the Commission” and in the definition of “the Merchant Shipping Acts” the words “and the Pilotage Act 1983”.  Schedule 1.
1979 c. 55.	The Justices of the Peace Act 1979.	Section 33(3)(b).
1980 c. 43.	The Magistrates’ Courts Act 1980.	In Part III of Schedule 6, paragraph 4.
1981 c. 69.	The Wildlife and Countryside Act 1981.	In section 36(7), in the definition of “relevant authority”, the words “a pilotage authority”.
1983 c.21.	The Pilotage Act 1983.	The whole Act.
S.I. 1985/170 (N.I. 1).	The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.	Article 20(6)(f).

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