



Pilotage Act 1987

1987 CHAPTER 21

PART III

WINDING-UP OF EXISTING PILOTAGE ORGANISATION

25 Transfer of staff of pilotage authorities etc.

- (1) The arrangements to be made under a scheme under section 24 above as respects the staff of pilotage authorities shall apply—
 - (a) in the case of an authority which will continue to exist in another capacity on and after the appointed day, to such of the persons employed by it immediately before that day as the authority has determined are not required by it for its functions in that other capacity; and
 - (b) otherwise, to all the persons employed by the authority immediately before that day.
- (2) Such a scheme shall provide—
 - (a) in the case mentioned in subsection (3) of section 24 above, that the staff to whom the scheme applies shall be employed on and after the appointed day by the competent harbour authority there mentioned; and
 - (b) in the case mentioned in subsection (4) of that section, that the staff to whom it applies shall be employed on and after that day by such competent harbour authority as the Pilotage Commission thinks fit or by the Commission.
- (3) Such a scheme may make provision for the payment of compensation to staff of pilotage authorities for any loss of employment which is attributable to any provision made by or under this Act but no such scheme shall affect any person's right to compensation otherwise than under the scheme.
- (4) Where such a scheme provides that an employee of a pilotage authority shall be employed by another person on and after the appointed day—
 - (a) the contract of employment between the employee and the pilotage authority shall not be terminated by the abolition of that authority but shall have effect

Changes to legislation: There are currently no known outstanding effects for the Pilotage Act 1987, Section 25. (See end of Document for details)

- from the appointed day as if originally made between him and that other person; and
- (b) without prejudice to paragraph (a) above—
- (i) all the pilotage authority’s rights, powers, duties and liabilities under or in connection with such a contract shall by virtue of this section be transferred on that day to that other person; and
 - (ii) anything done before that day by or in relation to the authority in respect of that contract or employee shall be deemed on and after that day to have been done by or in relation to that other person.
- (5) Subsection (4) above is without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change of employer effected by this section.
- (6) Where a person formerly employed by a pilotage authority becomes employed by another person by virtue of this section—
- (a) [^{F1}Chapter I of Part XIV of the Employment Rights Act 1996] or, in Northern Ireland, Schedule 1 to the ^{M1}Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (computation of period of employment for the purposes of that Act) shall have effect in relation to him as if it included provision—
 - (i) that the period of employment with the pilotage authority counted as a period of employment with that other person; and
 - (ii) that the change of employer did not break the continuity of the period of employment; and
 - (b) the period of his employment with the pilotage authority shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with him.
- (7) Where the Pilotage Commission considers that arrangements under a scheme under section 24 above should also apply to any employee of a person licensed as a pilot under section 12 of the ^{M2}Pilotage Act 1983—
- (a) subsections (2) and (3) above shall apply as if the employee were employed by the pilotage authority for the district for which his employer is licensed;
 - (b) the contract of employment between the employee and the licensed pilot shall have effect from the appointed day as if originally made between the employee and the person by whom the scheme provides that he shall be employed on and after that day; and
 - (c) without prejudice to paragraph (b) above, subsections (4)(b), (5) and (6) above shall apply as they apply to the transfer of an employee of a pilotage authority but with the substitution for the references in subsections (4)(b) and (6) to the pilotage authority of references to the licensed pilot.

^{F2}(8)

Textual Amendments

- F1** Words in s. 25(6)(a) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 32** (with s. 199)
- F2** S. 25(8) repealed (22.7.2004) by **Statute Law (Repeals) Act 2004** (c. 14), **Sch. 1 Pt. 5** Group 17

Changes to legislation: There are currently no known outstanding effects
for the Pilotage Act 1987, Section 25. (See end of Document for details)

Marginal Citations

M1 1965 c. 19 (N.I.).

M2 1983 c. 21.

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