
STATUTORY INSTRUMENTS

1991 No. 65

**MERCHANT SHIPPING
SAFETY**

The Merchant Shipping (Pilot Boats) Regulations 1991

<i>Made</i>	- - - -	<i>14th January 1991</i>
<i>Laid before Parliament</i>		<i>28th January 1991</i>
<i>Coming into force</i>	- -	<i>2nd April 1991</i>

The Secretary of State, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979⁽¹⁾ in exercise, of powers conferred on him by subsections (1)(a), (3), (4), (5) and (6) of section 21 and by section 22(1) of that Act⁽²⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations with the approval, so far as regulation 1(4) is concerned, of the Treasury.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Pilot Boats) Regulations 1991, and shall come into force on 2nd April 1991.

(2) In these Regulations—

“Certifying Authority” means the Secretary of State or any other person or organisation authorised by the Secretary of State;

“Code of Practice” means the Code of Practice entitled “A Code of Practice for the Construction, Survey and Certification of Pilot Boats” issued by the Department of Transport; any reference to the Code shall include reference to any document amending the same which is considered by the Secretary of State to be relevant from time to time and specified in a Merchant Shipping Notice;

“competent harbour authority” means a body which is a competent harbour authority for the purposes of the Pilotage Act 1987⁽³⁾;

“existing pilot boat” means a pilot boat which is not a new pilot boat;

(1) 1979 c. 39.

(2) Section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c. 48).

(3) 1987 c. 21.

“new pilot boat” means either a pilot boat, the construction of which commenced on or after the date on which these Regulations came into force or an existing boat, not already being a pilot boat, but obtained and newly used as a pilot boat on or after that date;

“owner” means the person or company, not being the competent harbour authority, which owns the boat;

“pilot boat” means a boat employed or intended to be employed in pilotage services;

“surveyor” means a marine surveyor nominated by the Secretary of State to undertake the surveys required by these Regulations and includes any marine surveyor of the Department of Transport.

(3) Where a pilot boat is managed by a person other than the owner (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

(4) The Merchant Shipping (Fees) Regulations 1990⁽⁴⁾ shall be amended by inserting in the Schedule thereto in Part I, paragraph 1(2) in the entry J headed “Ships-Construction and Equipment” the following entry at the end: “Merchant Shipping (Pilot Boats) Regulations 1991 ... ”;

(5) The Merchant Shipping (Medical Stores) Regulations 1986⁽⁵⁾ shall be amended by adding to regulation 2(1) the following sub paragraph:

“(f) pilot boats within the meaning of the Merchant Shipping (Pilot Boats) Regulations 1991.”;

(6) Any approval given pursuant to these Regulations or the Code shall be given in writing and shall specify the date when it is to come into force and the conditions (if any) on which it is given.

Application

2. These Regulations shall apply to all United Kingdom pilot boats.

Construction, Machinery and Equipment

3. The design and construction, the machinery installed in and the equipment carried in pilot boats shall comply with the standards specified in Chapter 3 of the Code of Practice (other than paragraphs 3.1.2, 3.1.3, 3.2.3, 3.2.4, 3.2.5 and 3.3.2. 1 (c)).

Manning

4. The manning of pilot boats shall be in accordance with the requirements set out in Chapter 4 of the Code of Practice.

Surveys and Certification

5.—(1) The competent harbour authority or the owner of the boat shall arrange for:

- (a) new pilot boats to be surveyed by a surveyor prior to their entering service and, thereafter, at intervals not exceeding 4 years;
- (b) existing pilot boats to be surveyed by a surveyor within 18 months of the date of the coming into force of these Regulations and, thereafter, at intervals not exceeding 4 years.

(2) An application for the survey of a pilot boat under this Regulation shall be made by the competent harbour authority or the owner of the boat to the Certifying Authority.

(4) S.I.1990/555, to which there is an amendment not relevant to these Regulations.

(5) S.I. 1986/144, to which there is an amendment not relevant to these Regulations.

(3) The surveyor shall, upon receipt of an application, survey the boat in the manner prescribed in Chapter 2, paragraph 2.2 of the Code of Practice and satisfy himself that:

- (a) the form of construction, machinery installation and safety equipment is consistent with the standards specified in the Code of Practice;
- (b) the boat is in all respects satisfactory for the service for which it is intended, having regard to the period for which the Pilot Boat Certificate in respect of the boat is to be issued.

(4) The surveyor, if satisfied from the survey that he may properly do so, shall forward to the Certifying Authority a Declaration of Survey and a Record of Particulars of a Pilot Boat containing such particulars of the boat and its equipment as are required to enable the Certifying Authority to issue a Pilot Boat Certificate, together with a certified copy or copies, in respect of the boat.

Intermediate survey

6.—(1) The competent harbour authority or the owner of the boat shall arrange for every boat in respect of which a Pilot Boat Certificate has been issued to undergo an intermediate survey.

(2) The intermediate survey shall take place not more than 3 months before nor 3 months after the halfway date of the period of validity of the Pilot Boat Certificate.

(3) Application for intermediate survey of a pilot boat under these Regulations shall be made by the competent harbour authority or the owner of the boat to the Certifying Authority.

(4) The surveyor shall, upon receipt of an application for intermediate survey, survey the boat in the manner prescribed in Chapter 2, paragraph 2.4 of the Code of Practice and shall satisfy himself that:

- (a) such parts of the boat, its machinery and equipment as are specified in the Code of Practice and are subject to the application of the survey, remain in good working condition; and
- (b) no major alterations have been made to the boat, its machinery or equipment to which the Pilot Boat Certificate relates without the approval of the Secretary of State.

(5) On completion of the intermediate survey the surveyor shall, where he is so satisfied, endorse the Pilot Boat Certificate to that effect.

Provisions governing Pilot Boat Certificates

7.—(1) A Pilot Boat Certificate shall be in the form set out in the Schedule to these Regulations and, subject to the provisions of regulation 9 of these Regulations, shall have a period of validity not exceeding 4 years from the date of issue.

(2) The Pilot Boat Certificate shall be displayed in a prominent position within the pilot boat.

(3) A certified copy of the Pilot Boat Certificate shall be retained by the competent harbour authority and, where appropriate, a certified copy shall be retained also by the owner of the boat.

Exemptions

8.—(1) Where these Regulations or the Code of Practice require that a particular piece of equipment or machinery shall be provided or carried in a pilot boat or that any particular provision shall be made, the Secretary of State may permit any other piece of equipment or machinery to be provided or carried, or any other provision to be made, if he is satisfied by trials thereof or otherwise that such other piece of equipment or machinery or provision is at least as effective as that required by these Regulations or the Code of Practice.

(2) The Secretary of State may exempt any pilot boat from all or any of the provisions of these Regulations as may be specified in the exemption on such terms (if any) as he may specify if he is

satisfied that compliance with such provision is either impracticable or unreasonable in the case of that pilot boat and may, subject to giving reasonable notice, alter or cancel any such exemption.

Procedure to be adopted when the boat, its machinery or safety equipment is deficient

9.—(1) In any case where a surveyor determines that the condition of a pilot boat, its machinery or equipment does not correspond substantially with the requirements of these Regulations or is such that the boat is not fit for service the surveyor shall advise the competent harbour authority and, where appropriate, the owner of the boat of the corrective action which, in his opinion, is required.

(2) If the boat is not fit for service, the surveyor shall immediately notify the Secretary of State. If in any other case where corrective action is required such action is not taken within a period specified by the surveyor, the surveyor shall at the end of that time notify the Secretary of State. The Secretary of State shall on receipt of such notification suspend the validity of the Pilot Boat Certificate issued in respect of the boat. The Secretary of State shall give notice in writing of any such suspension to the competent harbour authority and the surveyor shall so notify the master of the pilot boat and, where appropriate, the owner of the boat.

(3) The master of the pilot boat shall, thereupon, deliver up the Certificate issued in respect of the boat to the surveyor on demand. Where appropriate, the owner of the boat shall also deliver up the certified copy of the certificate to the surveyor on demand. The competent harbour authority shall on receipt of notice of suspension deliver up the certified copy of the Certificate to the Secretary of State.

(4) When the surveyor is satisfied that corrective action has been taken he shall notify the Secretary of State who shall, in the case where the validity of the Certificate has been suspended:

- (a) restore the validity of the Certificate;
- (b) give notice thereof to the competent harbour authority, and;
- (c) return the certified copy of the Certificate to the competent harbour authority.

The surveyor shall return the Certificate issued in respect of the pilot boat to the master of the boat and, where appropriate, the certified copy of the Certificate to the owner of the boat.

(5) In the case of an existing pilot boat which is first presented for survey in accordance with regulation 5(1)(b) of these Regulations and where the surveyor determines that the condition of the pilot boat, its machinery or equipment does not correspond substantially with the requirements of these Regulations, or is such that the boat is not fit for service, the surveyor shall advise the competent harbour authority and, where appropriate, the owner of the boat, of the corrective action which, in his opinion, is required. If such corrective action is not taken within a period specified by the surveyor or immediately if the boat is not fit for service, the competent harbour authority shall suspend the service of the boat until such time as the Certificate is issued.

Responsibilities

10. The competent harbour authority and the owner of the boat, and the master of the boat, shall ensure that:

- (a) a pilot boat does not operate unless it has a valid Pilot Boat Certificate and the boat, its machinery and safety equipment are maintained in good condition provided that until 2nd October 1992 the prohibition on operation without a valid pilot boat certificate shall not apply in the case of an existing pilot boat which has not yet been presented for survey in accordance with regulation 5(1)(b);
- (b) the boat is manned as required by Chapter 4 of the Code of Practice and operated in accordance with any conditions for granting exemption as specified in the Pilot Boat Certificate;

- (c) after any survey required by these Regulations has been completed no material change is made to the boat, its machinery or equipment without the prior approval of the Certifying Authority;
- (d) a pilot boat does not operate in circumstances where its certificate is suspended under regulation 9(5);
- (e) no pilot boat proceeds to sail unless it complies with the requirements of regulation 3, 4 and 7(2) of these Regulations.

Offences and Penalties

11.—(1) If regulation 10(e) of these Regulations is contravened the competent harbour authority and the owner of the pilot boat, and also the master of the boat, shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale in respect of an offence relating to regulation 3 or 4, or level 3 on the standard scale in respect of an offence relating to regulation 7(2).

(2) A competent harbour authority and the owner of the boat, and also the master of the boat, who contravene regulation 10(a), (b), (c) or (d) of these Regulations shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to show that he used all due diligence to ensure compliance with the Regulations.

Power to detain

12. In any case where a pilot boat does not comply with the requirements of these Regulations, it shall be liable to be detained, and section 692 of the Merchant Shipping Act 1894⁽⁶⁾ (which relates to the detention of a ship) shall have effect in relation to the pilot boat, except that for the words “this Act” wherever they appear, there shall be substituted “the Merchant Shipping (Pilot Boats) Regulations 1991”.

Signed by authority of the Secretary of State for Transport

19th December 1990

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

We approve the making of these Regulations

14th January 1991

*Irvine Patrick
Sydney Chapman*
Two of the Lords Commissioners of Her
Majesty’s Treasury

(6) 1894 c. 60.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 7(1)

UNITED KINGDOM PILOT BOAT CERTIFICATE

SCHEDULE

Regulation 7(1)

FORM PB1

UNITED KINGDOM PILOT BOAT CERTIFICATE

Issued under the provisions of the Merchant Shipping (Pilot Boats) Regulations 1991

Name of Boat	Official Number	Port of Registry	Overall Length	Safety Length	Date Built
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This is to certify that the above mentioned pilot boat has been surveyed in accordance with the provisions of the Regulations referred to above for operation in with the carriage of not more than persons (including the crew).

This certificate is issued under the authority of the Secretary of State for Transport and will remain in force until provided the pilot boat and its equipment are subjected to an Intermediate Survey in accordance with the Regulations referred to above.

Issued at on 19..... The undersigned declares that he is duly authorised by the Secretary of State for Transport to issue this Certificate.

Signature and Designation

(*Safety length is the length as defined in the Code of Practice under 'Definitions')

This Certificate must be kept framed and posted in some conspicuous place on board the boat so long as it remains valid and the boat continues in service.

RECORD OF ANY EXEMPTIONS GRANTED

Exemption granted	Conditions for granting exemption
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CONDITIONS OTHER THAN THOSE RELATING TO EXEMPTIONS

DETAILS OF INTERMEDIATE SURVEY

Place	Date ⁶	Name and Signature of Surveyor
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations together with the related “Code of Practice for the Construction, Survey and Certification of Pilot Boats” referred to in the Regulations specify standards of construction for pilot boats which are intended to ensure the safe working of the boats within their designated areas of operation. Such boats are to be provided with efficient machinery and with equipment for life saving, electrical lighting, fire fighting, rescue and retrieval and first aid. Navigational and signalling equipment is to be provided and up to date charts for the area of operation are to be carried. VHF radio equipment must also be provided (regulation 3).

The Regulations impose also the requirement that every pilot boat shall be normally manned by at least two crew members to assist the pilot when boarding and landing (regulation 4).

The Regulations provide for the survey and certification of pilot boats. New pilot boats are to be surveyed before entering service and existing pilot boats within eighteen months of the coming into force of the Regulations. On successful completion of an initial survey the Certifying Authority will grant a Pilot Boat Certificate valid for a period of four years (regulation 7). There is also provision for an intermediate survey (regulation 6). Surveys are in all cases to be carried out by marine surveyors nominated by the Secretary of State.

In the event of corrective action needing to be taken following survey the surveyor may specify a period in which that action shall be taken. If at the end of that period the action has not been taken the Secretary of State may suspend the validity of the Pilot Boat Certificate (regulation 9).

The Regulations provide for offences and penalties in connection with breaches of the Regulations (regulation 11).

The Code of Practice is obtainable from HMSO and Merchant Shipping Notices are obtainable from the Department of Transport Library, Sunley House, 90 High Holborn, London WC1V 6LP and from any Department of Transport Marine Office.