



# Pilotage Act 1983

## 1983 CHAPTER 21

### PART I

#### ADMINISTRATION

##### *Pilotage orders*

#### **9 Power of Secretary of State to make pilotage orders**

- (1) The Secretary of State may, by order made under this Act (in this Act referred to as a pilotage order).—
- (a) make such rearrangement of pilotage districts and pilotage authorities as he thinks necessary or expedient;
  - (b) establish new pilotage districts and new pilotage authorities and abolish existing pilotage districts and existing pilotage authorities in cases where it appears to him necessary or expedient;
  - (c) define the limits of pilotage districts ;
  - (d) provide for the incorporation of any pilotage authority, and make such alteration in the constitution of any pilotage authority with reference to their powers and duties as pilotage authority ;
  - (e) make such provisions as to the appointment of committees (including, if the Secretary of State thinks fit, the appointment of persons not members of the authority), and, as to the relations between the authority and the committee, as he thinks necessary or expedient;
  - (f) empower a pilotage authority to delegate to a committee of the authority any of their powers and duties, and provide, if it appears necessary or desirable, that the decisions of the committee on questions so delegated shall not require confirmation by the pilotage authority;
  - (g) make such provision for the direct representation of pilots and shipowners on any pilotage authority or committee of a pilotage authority as the Secretary of State thinks necessary or expedient;

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- (h) in cases where a pilotage authority have powers and duties relating to matters other than pilotage, provide for their accounts as pilotage authority being kept separate from their accounts in relation to those other matters;
  - (i) make provision as to the circumstances in which pilot age in a pilotage district is to be compulsory, subject to provision being also made, in a case where pilotage ceases to be compulsory in connection with the rearrangement of the district, for the payment of compensation to the pilots concerned for any loss or damage which may be incurred by them in consequence of such rearrangement;
  - (j) authorise, where it appears to the Secretary of State to be expedient, any pilotage authority to make byelaws providing for the grant of certificates (in this Act referred to as deep sea certificates) certifying that persons are qualified to act as pilots of ships for any part of the sea or channels outside the district of any pilotage authority, so, however, that a pilot holding such a certificate shall not be entitled to supersede any other person as pilot of a ship ;
  - (k) provide that any Act (other than this Act), order, charter, custom, byelaw, regulation, or provision shall, so far as it relates to pilotage, cease to have effect within any pilotage district or as respects any pilotage authority, but may re-enact the whole or any part thereof so far as is not inconsistent with the provisions of this Act;
  - (l) provide for compensation being paid to any pilots for any loss or damage which may be incurred by them in consequence of any order abolishing or rearranging any pilotage districts;
  - (m) make any provisions which appear to the Secretary of State to be necessary or expedient for the purpose of giving full effect to the order.
- (2) A pilotage order in dealing with any Act, order, charter, custom, byelaw, regulation, or provision shall not provide for abolishing or diminishing any power of a pilotage authority to acquire, own, hire, build, renew, maintain, or work pilot boats.
- (3) Provision shall be made by pilotage order for the direct representation of pilots either on the pilotage authority or on the committee of the pilotage authority of any district where there are not less than six licensed pilots if a majority of the pilots licensed for the district signify in writing to the Secretary of State that they desire such representation, and, where such provision is made, provision shall also be made for the representation of shipowners on the authority or committee, as the case may be.
- (4) A pilotage order establishing a pilotage authority for any pilotage district shall provide for any dock or harbour authority wishing to be represented on the pilotage authority to be so represented if—
- (a) the dock or harbour authority has jurisdiction in the district, and
  - (b) the authority was represented on the pilotage authority for the district in existence on 7th March 1913 (the date of the passing of the Pilotage Act 1913).
- (5) A pilotage order shall not be made by the Secretary of State except—
- (a) on an application in writing by any person interested in the pilotage of any pilotage district or in the operation of the laws relating to pilotage in that district or the administration of those laws; or
  - (b) on an application by the Commission made under section 6(2) of this Act.
- (6) Until such day as the Secretary of State may by order appoint, paragraph (c) of subsection (1) above shall have effect as if for that paragraph there were substituted—

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“(c) define the limits of pilotage districts distinguishing as respects any pilotage district in part of which pilotage is compulsory and in part of which pilotage is not compulsory, the part of the district in which pilotage is compulsory;”.

(7) Different days may be appointed under subsection (6) above for different purposes.

## **10 Procedure connected with making and coming into force of pilotage orders**

(1) The Secretary of State may by regulations make provision as to the notices to be given, the other steps to be taken and the payments to be made in connection with an application for a pilotage order, and the regulations must include provision for notice of the application to be advertised and for any person who objects to the application and who appears to the Secretary of State to have a substantial interest in the pilotage services in the area to which the application relates to be given an opportunity of making representations in writing to the Secretary of State about the application.

(2) Where the Secretary of State makes a pilotage order in consequence of such an application, then—

(a) if before the order is made either—

(i) no objection to the application has been made in accordance with regulations made by virtue of subsection (1) above, or

(ii) every objection so made to the application has been withdrawn, the statutory instrument containing the order shall be subject to annulment in pursuance of a resolution of either House of Parliament; and

(b) if an objection so made to the application has not been withdrawn before the order is made the order shall be subject to special parliamentary procedure, and the Statutory Orders (Special Procedure) Act 1945 shall have effect accordingly but as if—

(i) sections 2 and 10(2) of that Act (which relate to preliminary proceedings) were omitted, and

(ii) 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.

(3) Any Act confirming a pilotage order made under this Act may be repealed, altered or amended by any subsequent pilotage order made under this Act.