



Pilotage Act 1983

1983 CHAPTER 21

PART III

LIABILITY OF PILOTAGE AUTHORITIES FOR LOSS OR DAMAGE TO VESSELS OR GOODS, ETC.

Limitation of liability

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- (1) Where, without any such personal act or omission of theirs as is mentioned in Article 1 of the Convention in Part I of Schedule 4 to the Merchant Shipping Act 1979, any loss or damage is caused—
- to any vessel or vessels, or
 - to any goods, merchandise or other things whatsoever on board any vessel or vessels, or
 - to any other property or rights of any kind, whether on land or on water or whether fixed or movable,

a pilotage authority shall not be liable to damages beyond the amount of £100 multiplied by the number of pilots holding licences from the pilotage authority under section 12 of this Act for the pilotage district of the pilotage authority at the date when the loss or damage occurs.

- (2) The limit of liability under subsection (1) above shall apply whether the liability arises at common law or under any public general or local Act of Parliament and notwithstanding anything contained in any such Act passed before 16th July 1936 (the date of the passing of the Pilotage Authorities (Limitation of Liability) Act 1936).
- (3) Nothing in this section shall impose any liability in respect of any such loss or damage on any pilotage authority in any case where no such liability would have existed if this Part of this Act had not been enacted.
- (4) Until such day as the Secretary of State may by order appoint, subsection (1) above shall have effect in the United Kingdom as if for the words from " any such " to " 1979 " there were substituted the words " their fault or privity " .

56 Limitation of liability where several claims on one occasion

The limit of liability under section 55 of this Act shall relate to the whole of any losses and damages which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person.

57 Power of courts to consolidate claims

- (1) Where any liability is alleged to have been incurred by a pilotage authority in respect of any loss or damage to which section 55 of this Act applies and several claims are made or apprehended in respect of that liability, then the pilotage authority may apply to the court.
- (2) On an application under subsection (1) above, the court may—
 - (a) determine the amount of liability of the pilotage authority,
 - (b) distribute that amount rateably among the several claimants,
 - (c) stay or, in Scotland, sist any proceedings pending in any other court in relation to the same matter,
 - (d) proceed in such manner and subject to such requirements—
 - (i) as to making persons interested parties to the proceedings,
 - (ii) as to the exclusion of any claimants who do not come in within a certain time,
 - (iii) as to requiring security from the pilotage authority,
 - (iv) as to the payment of any costs,as the court thinks just.
- (3) In this section, " the court" means—
 - (a) in England and Wales, the High Court,
 - (b) in Scotland, the Court of Session,
 - (c) in Northern Ireland, the High Court.

58 Rights of pilotage authorities as owners of ships

- (1) Where any pilotage authority are the owners of any ship, nothing in this Part of this Act shall affect any limitation of liability conferred on them or other rights to which they are entitled as such owners under section 17 or 18 of the Merchant Shipping Act 1979, and accordingly the foregoing provisions of this Part of this Act shall not apply to any loss or damage the liability of which can be limited under the said sections.
- (2) Until such day as the Secretary of State may by order appoint, subsection (1) above has effect in the United Kingdom as if—
 - (a) for the words " under section 17 or 18 of the Merchant Shipping Act 1979 " there were substituted the words " by or under Part VIII of the Merchant Shipping Act 1894, and the Merchant Shipping (Liability of Shipowners and Others) Act 1900 " ,
 - (b) for the word " sections" there were substituted the word " enactments " .

An order under this subsection may appoint different days for different purposes.

59 Exclusion of funds for benefit of pilots etc.

No pilots' benefit fund, pilotage annuity fund or other fund formed or maintained by a pilotage authority for the benefit of pilots, their widows or children, shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of or any claim against the pilotage authority.

60 Exclusion of funds of authorities acting in dual capacity

If any body of persons corporate or unincorporate are the owners of any dock or canal (including any body of persons having the control or management of any dock or canal) or are a harbour authority or a conservancy authority and that body or a committee of that body are also a pilotage authority, then—

- (i) no funds, revenues, moneys or other property whatsoever belonging to such body in any capacity other than as pilotage authority shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, such body or any committee of such body in their capacity as pilotage authority; and
- (ii) no funds, revenues, moneys or other property whatsoever belonging to such body or a committee of such body in their capacity as pilotage authority shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, such body in any capacity other than as pilotage authority.

61 Exclusion of funds of certain Trinity Houses

- (1) No funds, revenues, moneys or other property whatsoever belonging to the Trinity House or the Trinity House of Newcastle-upon-Tyne, in any capacity other than as pilotage authority, shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, either such body in their capacity as pilotage authority.
- (2) No funds, revenues, moneys or other property whatsoever belonging to the Trinity House or any committee or sub-commissioners of the Trinity House or the Trinity House of Newcastle-upon-Tyne, in their capacity as pilotage authority, shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, any such body in any capacity other than as pilotage authority.

*Interpretation***62 Provision for pilotage authority for more than one district**

Where a pilotage authority are the pilotage authority for more than one pilotage district, this Part of this Act shall have effect as though the authority were a separate pilotage authority for each separate pilotage district.