

SCHEDULES

SCHEDULE 1

Section 32(3).

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 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.
- 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 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.
- (3) If regulations under subsection (7) of that section as it applies by virtue of sub-paragraph (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.
- 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

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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 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.
- 4 (1) Any pilots' benefit fund established under paragraph (i) of section 15(1) of the 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;
 - (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.
- 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.

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- (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

Section 32(4).

CONSEQUENTIAL AMENDMENTS

- 1 (1) In the definition of "pilot boat" in subsection (4) of section 4 of the 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.
- 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 Hovercraft Act 1968 shall include this Act and any instrument made under it.
- 3 In the 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.”
- 4 At the end of section 35(3)(b)(ii) of the Finance Act 1980 there shall be inserted the words "or authorised by a competent harbour authority".
- 5 In section 27(2)(a) of the Oil and Gas (Enterprise) Act 1982 for the words "the Pilotage Act 1983" there shall be substituted the words "the Pilotage Act 1987".

SCHEDULE 3

Section 32(5).

REPEALS AND REVOCATIONS

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal or revocation</i>
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.

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<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal or revocation</i>
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).