



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART X

#### PILOTAGE.

*Offences, and suspension and dismissal, of Pilots.*

#### 606 Offences of pilots.

- (1) If a qualified pilot, either within or without the district for which he is licensed,—
- (a) himself keeps, or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea;
  - (b) commits any fraud or offence against the revenues of customs, or against the excise or the laws relating thereto ;
  - (c) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels ;
  - (d) lends his licence;
  - (e) acts as pilot whilst suspended ;
  - (f) acts as pilot when in a state of intoxication ;
  - (g) employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable, or other store, matter, or thing, beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person ;
  - (h) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom the pilot is licensed, or by any chief officer of customs;
  - (i) unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship ;

---

*Status: This is the original version (as it was originally enacted).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

---

- (k) refuses, when requested by the master, to conduct the ship of which he has charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship; or
- (l) quits the ship of which he has charge without the consent of the master, before the service for which he was hired has been performed,

that pilot shall for each offence, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

- (2) If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.
- (3) If a qualified pilot commits an offence under this section, or procures, aids, abets, or connives at the commission of any such offence, he shall in addition to his liability to a fine, be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

#### **607 Penalty on pilot endangering ship, life, or limb.**

If any pilot, when in charge of a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either—

- (a) does any act tending to the immediate loss, destruction, or serious damage, of the ship, or tending immediately to endanger the life or limb of any person on board the ship ; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb,

that pilot shall in respect of each offence be guilty of a misdemeanor, and, if a qualified pilot, shall also be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

#### **608 Penalty on pilot obtaining charge of a ship by misrepresentation.**

If any person by wilful misrepresentation of circumstances upon which the safety of a ship may depend obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting, or conniving at the commission of the offence shall, in addition to any liability for damages, be liable for each offence to a fine not exceeding one hundred pounds, and, if a qualified pilot, also to suspension or dismissal by the pilotage authority by whom he is licensed.

#### **609 Powers of pilotage committee to suspend or dismiss pilot.**

Where provision has been made in pursuance of this Part of this Act for the representation of pilots on the pilotage committee, or commissioners, or sub-commissioners for any pilotage district, the committee, commissioners, or sub-commissioners shall have the like power to suspend or dismiss, or to suspend or revoke the licence of, any pilot licensed for that district who is guilty of an offence under this Part of this Act as the pilotage authority have.

---

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

---

## **610 Appeals from suspension or dismissal.**

- (1) If a pilot is aggrieved by the decision of a pilotage authority or a pilotage committee, or of any commissioners or sub-commissioners for a pilotage district, with respect to his suspension or dismissal, or the suspension or revocation of his licence, or the imposition of a fine which exceeds two pounds, or the application of any pilotage fund to which he has contributed prejudicing his rights in respect of the fund, he may appeal therefrom either to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police magistrate or stipendiary magistrate having jurisdiction within that port.
- (2) For the purpose of hearing the appeal, the judge or magistrate shall sit with an assessor of nautical and pilotage experience.
- (3) The assessor shall be selected and summoned by the judge or magistrate, but if the appellant is a pilot licensed by the Trinity House for any district on the coast of England or Wales, the assessor shall be selected from the Brethren of the Trinity House.
- (4) Objection may be taken to any person proposed to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.
- (5) The judge or magistrate may either confirm or reverse the decision appealed against, or modify the same by increasing or decreasing any penalty or otherwise, as may seem just, and his decision shall be final. .
- (6) The costs, incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.
- (7) Rules with respect to the procedure under this section '(including costs and the remuneration of assessors) may be made, as respects county court judges, by the authority having power to make rules of practice under the County Courts Act, 1888, and as respects metropolitan police and stipendiary magistrates by a Secretary of State, but in either case with the concurrence of the Treasury as to fees.
- (8) In Scotland the appeal under this section shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff sitting with an assessor as provided in this section, and rules may be made by the court of session by Acts of sederunt with respect to the procedure in case of those appeals in Scotland (including costs and the remuneration of assessors) subject to the concurrence of the Treasury as to fees.
- (9) In the application of this section to Ireland—
  - (a) The expressions "judge of county courts " and "judge " shall respectively mean a county court judge and chairman of quarter sessions, and include recorder ;
  - (b) The expressions " stipendiary magistrate " and " magistrate " shall respectively mean a magistrate appointed under the Constabulary (Ireland) Act, 1836.
  - (c) Rules with respect to the procedure in case of appeals under this section (including costs and the remuneration of assessors) may from time to time be made, as respects county court judges and chairmen of quarter sessions, by the authority having power to make rules and orders for regulating the practice under the County Officers and Courts (Ireland) Act, 1877, and as respects stipendiary magistrates, by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Treasury as to fees.