



Merchant Shipping Act 1894

1894 CHAPTER 60

PART X

PILOTAGE.

Powers of Board of Trade as to Pilotage Districts and Authorities.

575 Constitution of new pilotage authorities.

- (1) The Board of Trade may by provisional order—
 - (a) in any area where there is no pilotage authority, constitute new pilotage authorities and districts; and
 - (b) extend the limits of any pilotage district by including therein any area in which there is no pilotage authority.
- (2) There shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licences as pilots in any new pilotage district constituted under this section, or in any area included in a pilotage district under this section.

576 Transfer of pilotage jurisdiction.

- (1) Whenever any pilotage authority residing or having their place of business at one port have or exercise jurisdiction in matters of pilotage in any other port, the Board of Trade may by provisional order—
 - (a) transfer so much of the jurisdiction as concerns the last-mentioned port, either to any harbour authority or other body exercising any local jurisdiction in maritime matters at that port, or to any body to be constituted for the purpose by the provisional order, or (where the said pilotage authority is not the Trinity House) to the Trinity House; or
 - (b) transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to represent the interests of the several ports concerned.

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- (2) For the purpose of any transfer under this section, the Board of Trade may by provisional order—
- (a) incorporate the body to whom the transfer is made if it is a new body;
 - (b) make the body to whom the transfer is made a pilotage authority, with such powers as may be mentioned in the provisional order;
 - (c) determine the limits of the district of the pilotage authority to whom the transfer is made;
 - (d) sanction a scale of pilotage rates to be taken by the pilots licensed by that authority ;
 - (e) determine to what extent and under what conditions any pilots then already licensed by the pilotage authority from whom the transfer is made are to continue to act under the pilotage authority to whom the transfer is made ;
 - (f) sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the pilotage authority from whom the transfer is made, between the pilots remaining under the jurisdiction of that authority, and the pilots who are transferred to the jurisdiction of the authority to whom the transfer is made;
 - (g) provide for such compensation or superannuation as may be just to officers employed by the pilotage authority from whom the transfer is made, and not continued by the pilotage authority to whom the transfer is made.

577 Direct representation of pilots, &c. on pilotage authority.

The Board of Trade may by provisional order make provision or further provision for the direct representation of pilots, and, if it seems expedient, also of shipowners, on the pilotage authority of any district, or if there is a pilotage committee of that authority, or any body of commissioners or sub-commissioners appointed by that authority, then on that committee or body.

578 Exemption from compulsory pilotage.

The Board of Trade may by provisional order exempt the masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and annex any terms and conditions to those exemptions.

579 Power of Board of Trade to give facilities with respect to licences, rates, &c.

- (1) Where the pilotage is not compulsory, and there is no restriction on the power of duly qualified persons to obtain licences as pilots, the Board may by provisional order give any pilotage authority power to license pilots, and to fix pilotage rates for their district or any part of their district for which no such licences or rates for the time being exist, and to raise all or any of the pilotage rates in force in their district or any part of their district; and, where there is also no restriction on the number of pilots, to give additional facilities for the recovery of pilotage rates, and for preventing the employment of unqualified pilots.
- (2) The Board of Trade may by provisional order give facilities for enabling duly qualified persons, after examination as to their qualifications, to obtain licences as pilots.

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580 Making and confirming provisional orders.

- (1) The Board of Trade may make a provisional order under this Part of this Act on the application in writing of some person interested in the pilotage of the district or in the operation of the laws or regulations relating to that pilotage.
- (2) Notice of the application having been made shall be published once at least in each of two successive weeks in the month immediately succeeding the date of the application in the Shipping Gazette, and in some newspaper or newspapers circulating in the county, or, if there are more than one county, in the counties adjacent to the pilotage district to which the application relates.
- (3) The notice shall state the objects which it is proposed to effect by the provisional order.
- (4) The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed provisional order, and shall for that purpose allow at least six weeks to elapse between the date on which the application is referred to the pilotage authority and that on which the provisional order is made.
- (5) The Board of Trade shall, after considering all objections, determine whether to proceed with the provisional order or not ; and shall, if they determine to proceed with the order, settle the order in such manner and with such terms and conditions, not being inconsistent with the provisions of this Act, as they may think fit; and shall, when they have settled the order, forward copies thereof to the persons making the application and to the pilotage authority of any district to which it refers.
- (6) A provisional order under this Part of this Act shall not take effect unless and until it is confirmed by Parliament; and for the purpose of that confirmation the Board of Trade shall introduce into Parliament a public general Bill in which, or in the schedule to which, the provisional order or provisional orders to be thereby confirmed shall be set out at length.
- (7) If any petition is presented to either House of Parliament against any such provisional order in the progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the order petitioned against may be referred to a select committee, and the petitioner shall in that case be allowed to appear and oppose as in the case of private Bills.