



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART X

#### PILOTAGE.

##### *Preliminary.*

**572 Application of Part X.**

This Part of this Act extends to the United Kingdom and the Isle of Man only, but applies to all ships British and foreign.

**573 Pilotage authority.**

In this Act the expression " pilotage authority " includes all bodies and persons authorised to appoint or license pilots or to fix or alter rates of pilotage or to exercise any jurisdiction in respect of pilotage.

**574 Continuance of existing pilotage authorities.**

Every pilotage authority shall retain all powers and jurisdiction which they now lawfully possess, so far as the same are consistent with the provisions of this Act; but no law relating to that authority, or to the pilots licensed by them, and no act done by that authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

*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—

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- (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.
- (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.

**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.

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- (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.

*Byelaws by Pilotage Authorities.*

**581 Power of pilotage authorities as to exemptions from compulsory pilotage.**

Every pilotage authority may, by byelaw made under this Part of this Act, exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots, and annex any terms and conditions to those exemptions, and revise or extend any such exemptions or any exemptions existing by virtue of any Act of Parliament, law, charter, or usage, upon such terms and conditions and in such manner as may appear desirable to the authority.

**582 Power of pilotage authorities to make byelaws.**

Subject to the provisions of this Part of this Act, a pilotage authority may by byelaw made under this Part of this Act—

- (1) determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots :
- (2) make regulations respecting the approval and licensing of pilot boats in their district :
- (3) provide for the establishment and regulation of companies for the support of those pilot boats and for a participation of profits therein:
- (4) fix the terms and conditions of granting licences to pilots and apprentices and pilotage certificates for masters and mates:
- (5) make regulations for the government of the pilots and apprentices licensed by them, and of masters and mates holding pilotage certificates granted by them, and for ensuring their good conduct and constant attendance to, and effectual performance of, their duty whether at sea or on shore, and provide for the punishment of any breach of those regulations by the withdrawal or suspension of the licence or certificate of the person guilty of that breach, or by the infliction of fines not exceeding twenty pounds to be recoverable as fines are recoverable under this Act:
- (6) fix the rates and prices or other remuneration to be demanded and received for the time being by the pilots licensed by them, and alter the mode of remuneration of those pilots in such manner as they think fit, so, however, that no higher rates or prices are demanded or received in the case of the Trinity House than those set out in the table contained in the Twenty-first Schedule to this Act, and in the case of any other pilotage authority than those which might have been lawfully fixed or demanded by that authority under any Act, charter, or custom in force immediately before the first day of May in the year one thousand eight hundred and fifty-five:
- (7) make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of that other authority or the privileges of the pilots licensed by that other authority or any of them to all or any part of its own district, or for limiting its own powers or the privileges of its own

pilots or any of them, or for sharing the said last-mentioned powers and privileges with that other authority and the pilots licensed by it, or for delegating or surrendering those powers and privileges or any of them to any other pilotage authority already constituted or to be constituted by agreement between those authorities, and to the pilots licensed by it, as may appear to those pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping:

- (8) establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children ; and make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (those persons to be in the service of the pilotage authority) to and in which and by and upon whom the contributions in support of those existing or future funds may be made or levied, and declare what persons or class of persons (the person or class of persons being limited to the men in the service of the pilotage authority, their wives, widows, or children) are entitled to participate in the benefits of any existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled:
- (9) require masters and mates who hold pilotage certificates granted by them or by the Board of Trade under this Part of this Act to contribute towards the pilotage fund of the district, and to make a periodical return to them of the pilotage services rendered by them; provided that the contribution so required from a master or mate shall not exceed such proportion of the pilotage dues which would have been payable in respect of his ship if he had not held a pilotage certificate, as may be fixed by the Board of Trade :
- (10) provide for the granting by them of special licences qualifying the persons to whom those licences are granted to act as pilots for any part of the sea or channels beyond the limits of their pilotage district, so however that no pilot so licensed be entitled to supersede an unlicensed pilot outside the district of the authority by which he is licensed.

### **583 Confirmation of byelaws.**

- (1) A byelaw under this Part of this Act shall not take effect until it is submitted to Her Majesty in Council and confirmed by Order in Council.
- (2) Any byelaw proposed to be made under this Part of this Act shall, before it is submitted for confirmation, be published in such manner as the Board of Trade direct.

### **584 Appeal against byelaws or regulations not made under this Act.**

If at any port either—

- (a) the majority of the qualified pilots belonging to the port ; or,
- (b) the local marine board; or,
- (c) where there is no local marine board, any number of persons not less than six, being masters, owners, or insurers of ships,

consider themselves aggrieved by any regulation or byelaw of a pilotage authority in force before the first day of May, one thousand eight hundred and fifty-five, or made under any power other than a power contained in this Act or in any Act repealed by this Act, or by a defect or omission in any such regulation or byelaw, they may appeal to the Board of Trade, and the Board may thereupon by order revoke, alter, or make additions to that regulation or byelaw, in such manner as, having regard to the interests

of the persons concerned, appears to them to be just and expedient, and any order so made shall be conclusive as to the matter in respect of which it is made.

*Returns by Pilotage Authorities.*

**585 Returns by pilotage authorities to Board of Trade.**

- (1) Every pilotage authority shall deliver periodically to the Board of Trade, in the form and at the time required by that Board, returns of the following particulars with regard to pilotage within their district:—
  - (a) All byelaws or other regulations whether made under this-Act or not relating to pilots or pilotage for the time being in force:
  - (b) The names and ages of all pilots or apprentices licensed or authorised to act by the authority making the return, and of all pilots or apprentices acting either directly or indirectly under that authority, whether so licensed or authorised or not:
  - (c) The service for which each pilot or apprentice is licensed:
  - (d) The rates of pilotage for the time being in force, including therein the rates and descriptions of all charges upon shipping made for or in respect of pilots or pilotage:
  - (e) The total amount received for pilotage, distinguishing the several amounts received from British ships and from foreign ships respectively, and the several amounts received in respect of different classes of ships paying different rates of pilotage, according to the scale of those rates for the time being in force, and the several amounts received for the several classes of service rendered by pilots; and also the amount paid by such ships (if any) as have, before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to take or pay for two or more pilots, whether " licensed by the same or by different pilotage authorities; together with the numbers of the ships of each of the several classes paying such several amounts as aforesaid:
  - (f) The receipt and expenditure of all moneys received by or on behalf of the authority making the return, or by or on behalf of any sub-commissioners appointed by them, in respect of pilots or pilotage :
  - (g) The receipts and expenditure, under separate accounts, in respect of any pension or superannuation funds administered by or under the control of the authority making the return.
- (2) Every pilotage authority shall allow the Board of Trade, or any person appointed by the Board of Trade for the purpose, to inspect any books or documents in the possession of that authority relating to any matter in respect of which a return is required under this section.
- (3) The Board shall cause any returns made to them under this section to be laid before both Houses of Parliament without delay.
- (4) If any pilotage authority (other than the Trinity House, or sub-commissioners of pilotage appointed by them under this Part of this Act) fail, without reasonable cause, to deliver to the Board of Trade any return required under this section within one year after the time fixed by the Board of Trade for the purpose, or fail without reasonable cause to comply with the requirements of this section with regard to the inspection of books and documents, Her Majesty may, by Order in Council, direct that all the rights

and powers of that authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and thereupon the Trinity House shall thereafter, or during the time for which the suspension continues, have the same powers of appointing sub-commissioners of pilotage, and of licensing pilots, and of establishing and altering rates of pilotage within the district of the authority making default, as the Trinity House are by this Act authorised to exercise in a district within which no particular provision for the appointment of pilots is made by any Act of Parliament or charter, and shall also during that time have the same rights, title, and powers to and in respect of any pilotage funds or ether pilotage property which the pilotage authority making default would or might have had if the rights and powers of that authority had not ceased or been suspended.

#### *Licensing of Pilots.*

#### **586 Registration of pilot licences.**

- (1) A pilot shall be deemed a qualified pilot for the purposes of this Act, if duly licensed by any pilotage authority to conduct ships to which he does not belong.
- (2) Every qualified pilot, on his appointment, shall receive a licence containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act.
- (3) The chief officer of customs at the place at or nearest to which any qualified pilot resides shall, on his request, register his' licence, and a qualified pilot shall not be entitled to act as such, until his licence is so registered.
- (4) Every qualified pilot acting beyond the limits for which he is qualified by his licence shall be considered an unqualified pilot.

#### **587 Copies of pilotage provisions to be furnished to pilot.**

Every qualified pilot shall, on receiving his licence, be furnished with a copy of this Part of this Act, and with a copy of the rates, byelaws, and regulations established within the district for which he is licensed; and he shall produce those copies to the master of any ship, or other person employing him, when required to do so, and if he fails without reasonable cause to do so, shall be liable to a fine not exceeding five pounds.

#### **588 Licensed pilot to produce licence to employer.**

- (1) Every qualified pilot when acting in that capacity shall be provided with his licence and shall produce the same to every person by whom he is employed or to whom he offers his services as pilot.
- (2) If a qualified pilot refuses, on the request of any such person, to produce his licence, he shall for each offence be liable to a fine not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

#### **589 Production and return of licence to pilotage authority.**

- (1) Every qualified pilot, when required to do so by the pilotage authority by whom he is licensed, shall produce or deliver up his licence to that authority.

- (2) On the death of any qualified pilot, the person into whose hands his licence comes shall without delay transmit it to the pilotage authority who licensed the deceased pilot.
- (3) If any pilot or other person fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

**590 Penalty on fraudulent use of licence.**

If an unqualified pilot for the purpose of making himself appear to be a qualified pilot uses a licence which he is not entitled to use, he shall for each offence be liable to a fine not exceeding fifty pounds.

*Recovery of Pilotage Dues and other Rights of Pilots.*

**591 Recovery of pilotage dues.**

- (1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained; namely,—
  - (a) The owner or master:
  - (b) As to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge :
  - (c) As to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port from which she clears out;

and those dues may be recovered in the same manner as fines of like amount under this Act, but that recovery shall not take place Until a previous demand has been made in writing.

- (2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

**592 Receiving or offering improper rates of pilotage.**

A qualified pilot shall not demand or receive, and a master shall not offer or pay to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may be demanded by law, and, if a pilot or master acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding ten pounds.

**593 Pilotage rate for leading ships.**

If any boat or ship having on board a qualified pilot leads any ship which has not a qualified pilot on board when the last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.



**594 Allowance to licensed pilot taken out of his district.**

- (1) A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever, and if he is so taken under circumstances of unavoidable necessity, or without his consent, shall be entitled, over and above his pilotage dues, to the sum of ten shillings and sixpence a day.
- (2) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes the limit up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last-mentioned case he shall be entitled to his reasonable travelling expenses.

**595 Penalty on making a false declaration to pilot as to draught of ship.**

- (1) The master of a ship, on being requested by any qualified pilot having the charge of his ship, shall declare her draught of water.
- (2) If a master refuses so to declare the draught of water, or himself makes, or is privy to any other person making, a false declaration to the pilot in relation thereto, he shall for each offence be liable to a fine not exceeding double the amount of pilotage dues which would have been payable to that pilot.
- (3) If the master of a ship, or any other person interested in the ship, makes, or is privy to the making of, any fraudulent alteration in the marks on the stem or stem post of the ship denoting the draught of water, he shall for each offence be liable to a fine not exceeding five hundred pounds.

**596 Occasions on which unqualified pilots may act.**

An unqualified pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, take charge of a ship as pilot—

- (a) when no qualified pilot has offered to take charge of that ship, or made a signal for that purpose:
- (b) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time :  
or
- (c) for the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where the act can be done by an unqualified pilot without infringing the regulations of the port, or any orders which the harbour master is legally empowered to give.

**597 Power of qualified to supersede unqualified pilot.**

A qualified pilot may supersede an unqualified pilot, but the master shall pay to the unqualified pilot a proportionate sum for his services, and deduct that sum from the charge of the qualified pilot; and in case of dispute the pilotage authority by whom the qualified pilot is licensed shall determine the proportionate sums to which each party is entitled.

**598 Penalties as to employment of unqualified pilot.**

- (1) If an unqualified pilot, whether within a district in which pilotage is compulsory or outside such a district, assumes or continues in the charge of a ship after a qualified pilot has offered to take charge of the ship he shall for each offence be liable to a fine not exceeding fifty pounds.
- (2) If a master of a ship whether navigating within a district in which pilotage is compulsory or outside such a district, knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

*Pilotage Certificates for Masters and Mates.***599 Grant of pilotage certificates to masters and mates.**

- (1) A pilotage authority may, if they think fit, on the application of the master or mate of any ship, and on payment by him of the usual expenses, examine him as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owner as that ship, within any part of the district of the pilotage authority.
- (2) A pilotage authority, if on examination they find that any master or mate is competent, shall grant him a certificate (in this Act referred to as a pilotage certificate), specifying—
  - (a) the name of the person to whom it is granted :
  - (b) the ship or ships in respect of which it is granted:
  - (c) the limits within which the master or mate is entitled to pilot the ship or ships :  
and
  - (d) the date on which it is granted.
- (3) The person to whom a pilotage certificate is granted shall, while he is acting as master or mate of any of the ships specified in the certificate, be entitled to pilot that ship within the limits, specified in the certificate, without incurring any penalty for not employing a qualified pilot.
- (4) A pilotage certificate so granted shall not be in force for more than the period of one year from its date, but may be renewed from year to year by an endorsement under the hand of the secretary or other proper officer of the pilotage authority who have granted the certificate.

**600 Appeal by master or mate to Board of Trade.**

- (1) If it appears to the Board of Trade upon complaint made to them—
  - (a) that a pilotage authority have without reasonable cause refused or neglected to examine a master or mate who has applied to them for the purpose ; or
  - (b) that a pilotage authority have without reasonable cause refused or neglected to grant a pilotage certificate after examination; or
  - (c) that an examination of a master or mate has been unfairly or improperly conducted ; or
  - (d) that a pilotage authority have imposed unfair or improper terms or conditions on the granting of a certificate; or

(e) that a pilotage certificate has been improperly withdrawn from the holder thereof,

the Board of Trade, if the circumstances of the case appear to them to require it, may appoint persons to examine the master or mate, and, if he is found competent, grant him a pilotage certificate upon such terms and conditions as they think fit.

- (2) The pilotage certificate so granted shall contain the same particulars, be of the same effect, and be in force for the same period as a certificate granted by a pilotage authority, and may be renewed either by the pilotage authority of the district, or if the Board of Trade think fit by that Board, and the renewal, if it is granted by the Board of Trade, shall be endorsed on the certificate by some person appointed by the Board of Trade for the purpose, and, if it is granted by a pilotage authority, shall be endorsed on the certificate in the same manner as in the case of certificates of pilotage originally granted by them.

#### **601 Withdrawal of certificate.**

The Board of Trade or a pilotage authority, as the case may be, may respectively withdraw any pilotage certificate granted by them if it appear to them that the holder thereof has been guilty of misconduct or has shown himself incompetent to pilot his ship, and a certificate so withdrawn shall cease to be of effect.

#### **602 Fees for pilotage certificates.**

- (1) Masters and mates shall pay such fees upon the granting and renewal of pilotage certificates as—
- (a) in the case of certificates granted or renewed by a pilotage authority may be fixed by that authority with the consent of the Board of Trade:
  - (b) in the case of certificates granted or renewed by the Board of Trade may be fixed by that Board, provided that they are not less than the fees paid by qualified pilots in the same district in respect of the granting and renewal of licenses.
- (2) The fees so received by a pilotage authority in respect of certificates shall be applicable to the expenses of and incidental to the examinations for the certificates and to the payment of such charges in connexion with the preparation and renewal thereof as may be approved by the Board of Trade, and the surplus (if any) shall be applied for the benefit of the Pilots Superannuation Fund of the port or district (if any), or otherwise for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the pilotage authority may think fit.
- (3) The fees received by the Board of Trade in respect of pilotage certificates shall be applicable to the expense of the examinations for those certificates, and the surplus (if any) shall be applied for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the Board thinks fit.

#### *Compulsory Pilotage.*

#### **603 Compulsory pilotage.**

- (1) Subject to any alteration to be made by the Board of Trade or by any pilotage authority in pursuance of the powers herein-before contained, the employment of pilots shall

continue to be compulsory in all districts where it was compulsory immediately before the commencement of this Act, but all exemptions from that compulsory pilotage shall continue to be in force.

- (2) If, within a district where pilotage is compulsory, the master of an unexempted ship after a qualified pilot has offered to take charge of the ship, or has made a signal for the purpose, pilots his ship himself without holding the necessary certificate, he shall be liable for each offence to a fine of double the amount of the pilotage dues that could be demanded for the conduct of the ship.

#### **604 Home trade passenger ships to carry pilots.**

- (1) The master of every ship carrying passengers between any place in the British Islands, and any other place so situate, shall, while navigating within the limits of any district for which pilots are licensed under this or any other Act, employ a qualified pilot, unless he or the mate of his ship holds a pilotage certificate or a certificate granted under this section applying to the district, and, if he fails to do so, shall for each offence be liable to a fine not exceeding one hundred pounds.
- (2) The Board of Trade on the application of the master or mate of any such ship as aforesaid, and on being satisfied, by examination or otherwise, as the Board may deem expedient, of the competency of that master or mate, may grant him a certificate authorising him to pilot any ship or ships belonging to the same owner and not being of greater draught of water than that stated in the certificate within the limits aforesaid, and any master or mate to whom the certificate is granted shall be entitled to conduct any such ship as is specified in the certificate within the limits specified in the certificate.
- (3) The certificate shall remain in force for such time as the Board of Trade may direct and may be endorsed on any certificate of competency obtained under the Second Part of this Act.
- (4) A master or mate shall on the application for a certificate under this section, or for a renewal thereof, pay to the Board of Trade, or as the Board directs, such fees not exceeding those payable under the Second Part of this Act on an examination for a master's certificate of competency as the Board of Trade may direct, and those fees shall be applied as the fees payable on that examination.

#### **605 Exemption from compulsory pilotage.**

- (1) The master and owner of any ship passing through any pilotage district in the United Kingdom on a voyage between two places both situate out of that district, shall be exempted from any obligation to employ a pilot in that district or to pay pilotage rates when not employing a pilot within that district.
- (2) The exemption under this section shall not apply to ships loading or discharging at any place situate within the district or at any place situate above the district on the same river or its tributaries.

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*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 ;
  - (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.

**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.

*Pilot Boats and Pilot Signals.*

**611 Approval of pilot boats.**

All boats and ships regularly employed in the pilotage service of any district (in this Part of this Act referred to as pilot boats) shall be approved and licensed by the pilotage authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot boats,

**612 Characteristics of pilot boats.**

- (1) Every pilot boat shall be distinguished by the following characteristics ; namely,—
- (a) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence.
  - (b) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct.
  - (c) When afloat a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation.
- (2) It shall be the duty of the master of the pilot boat to see that the pilot boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as

to be easily discerned at a reasonable distance; and also that the names and numbers aforesaid are not at any time concealed; and if a master fails without reasonable cause to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

**613 Display of pilot flag, when pilot is on board vessel.**

- (1) When a qualified pilot is carried off in a vessel not in the pilotage service, he shall exhibit a pilot flag in order to show that the vessel has a qualified pilot on board; and if he fails, without reasonable cause, to do so, he shall for each offence be liable to a fine not exceeding fifty pounds.
- (2) Where the master or mate of a ship holds a pilotage certificate, a pilot flag shall be displayed on board the ship while that master or mate is on board and the ship is within a pilotage district in which pilotage is compulsory, and if default is made in complying with the enactment, the master of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

**614 Penalty on ordinary boat displaying pilot flag.**

A pilot flag or a flag so nearly resembling a pilot flag as to be likely to deceive shall not be displayed on any ship or boat not having a licensed pilot or a master or mate holding a pilotage certificate on board, and if on any such ship or boat any such flag is displayed, the owner or master of that vessel shall, unless in the case of the display of a flag likely to deceive he proves that he had no intention to deceive, be liable for each offence to a fine not exceeding fifty pounds.

**615 Signals to be displayed by ships requiring a pilot.**

- (1) Her Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.
- (2) If a vessel requires the services of a pilot, the master -of that vessel shall use or display the pilot signals.
- (3) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall for each offence be liable to a fine not exceeding twenty pounds.

*Trinity House.*

**616 Power of Trinity House to alter regulations.**

The Trinity House may, in the exercise of the general powers given to pilotage authorities under this Part of this Act, alter such of the provisions herein-after contained in this Part of this Act as are expressed to be subject to alteration by them in the same manner and to the same extent as they might have been altered if these provisions had been contained in any previous Act of Parliament instead of this Act.



*Sub-Commissioners (Trinity House).*

**617 Power of Trinity House to appoint sub-commissioners.**

- (1) The Trinity House shall continue to appoint sub-commissioners (not being more than five nor fewer than three) for the examination of pilots in all districts in which the Trinity House have before the commencement of this Act been used to make those appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners of any other district in which no particular provision is made by any Act of Parliament or charter for the appointment of pilots.
- (2) A pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the Trinity House shall not be extended, except with the consent of Her Majesty in Council, and sub-commissioners appointed by the Trinity House shall not be deemed to be pilotage authorities within the meaning of this Act.

*Licensing of Pilots by Trinity House.*

**618 Licensing of pilots by Trinity House within certain limits.**

- (1) The Trinity House shall continue, after due examination by them or their sub-commissioners, to appoint and license, under their common seal, pilots for the purpose of conducting ships within the following limits or in any area within those limits; namely,—
  - (i) The London district, consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Orfordness to the north, and Dungeness to the south.
  - (ii) The English Channel district, consisting of the seas between Dungeness and the Isle of Wight.
  - (iii) The Trinity House outport districts, comprising any pilotage district for the appointment of pilots within which no particular provision is made by any Act of Parliament or charter.
- (2) The Trinity House shall not license a pilot to conduct ships both above and below Gravesend.

**619 Regulations as to pilots licences.**

Subject to any alteration to be made by the Trinity House, the following provisions shall apply to the licensing of pilots by them:—

- (i) The names of all pilots licensed by the Trinity House shall be published by them—
  - (a) by fixing at their house in London a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act; and
  - (b) by transmitting copies of that notice to the Commissioners of Customs in London, and to the chief officers of customs at all ports or places within the limits for which the pilot is licensed ; and those copies shall

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be posted up at the Custom House in London, and at the custom house at those ports or places.

- (ii) Every Trinity House pilot shall, on his appointment, execute a bond for one hundred pounds, conditioned for the due observance on his part of the regulations and byelaws of the Trinity House, and that bond shall be free from stamp duty, and from every other charge except the actual expense of preparing the same.
- (iii) A licence granted to a pilot by the Trinity House shall not continue in force beyond the thirty-first day of January next following the date of that licence; but the licence may, upon the application of the pilot holding the same, be renewed on or before the thirty-first day of January in every year, or on any subsequent day, by endorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose.

**620 Pilot's liability limited.**

A qualified pilot appointed by the Trinity House who has executed a bond under this Part of this Act shall not be liable for neglect or want of skill beyond the penalty of the bond, and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

**621 Power to revoke and suspend licences.**

The Trinity House may revoke or suspend the licence of any pilot appointed by them, in such manner, and at such time, as they think fit.

*Compulsory Pilotage (Trinity House).*

**622 Compulsory pilotage districts of Trinity House.**

- (1) Subject to any alterations to be made by the Trinity House, and to the exemptions under this Part of this Act, pilotage shall be compulsory within the London district, and the Trinity House outport districts.
- (2) If a master of a ship navigating within those districts, after a qualified pilot has offered to take charge of the ship, or made a signal for the purpose, either himself pilots the ship without possessing a pilotage certificate, or employs or continues to employ an unqualified person to pilot her, he shall for each offence be liable, in addition to any other penalty under this Part of this Act, to a fine not exceeding five pounds for every fifty tons burden of the ship, if the Trinity House certify in writing, under their common seal, that the prosecutor may proceed for the same.

**623 Constant supply of pilots at Dungeness.**

Subject to any alteration to be made by the Trinity House a sufficient number of qualified pilots shall always be ready to take charge of ships coming from the westward past Dungeness; and the Trinity House shall, by byelaw made under this Part of this Act, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of qualified pilots for those ships, and to insure their constant attendance upon, and due performance of, their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both

of those means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit.

**624 Ships from London coining past Dungeness to take the first pilot.**

- (1) Subject to any alteration to be made by the Trinity House, a master of any ship coming from the westward, and bound to any place in the River Thames or Medway (unless she has a qualified pilot on board, or is exempted from compulsory pilotage), shall on the arrival of the ship off Dungeness, and thenceforth until she has passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or until a qualified pilot has come on board, display and keep displayed the usual signal for a pilot.
- (2) If a qualified pilot is within hail, or is approaching, and within half a mile, and has a pilot flag flying in his boat, the master shall, by heaving to in proper time or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate the pilot getting on board, and shall give the charge of piloting his ship to that pilot; or if there are two or more qualified pilots offering at the same time, to such one of them as may, according to the regulations for the time being in force, be entitled or required to take charge of the ship.
- (3) If a master fails to comply with the provisions of this section, or any of them, he shall for each offence be liable to a fine not exceeding double the sum which might have been demanded for the pilotage of his ship, and the fine shall be paid to the Trinity House, and be carried to the account of the Trinity House Pilot Fund.

**625 Exemption from compulsory pilotage.**

The following ships, when not carrying passengers, shall, without prejudice to any general exemption under this Part of this Act, be exempted from compulsory pilotage in the London district, and in the Trinity House outport districts; (that is to say,)

- (1) Ships employed in the coasting trade of the United Kingdom:
- (2) Ships of not more than sixty tons burden:
- (3) Ships trading from any port in Great Britain within the London district or any of the Trinity House outport districts to the port of Brest in France, or any port in Europe north and east of Brest, or to the Channel Islands or Isle of Man:
- (4) Ships trading from the port of Brest, or any port in Europe north and east of Brest, or from the Channel Islands or Isle of Man to any port in Great Britain within the said London or Trinity House outport district:
- (5) Ships navigating within the limits of the port to which they belong.

*Rates of Pilotage (Trinity House).*

**626 Rates of pilotage.**

- (1) Subject to any alteration to be made by the Trinity House there shall continue to be paid to all Trinity House pilots, in respect of their pilotage services, such dues as are immediately before the commencement of this Act payable to them in respect of those services.

- (2) The Trinity House may by byelaw made under this Part of this Act repeal or relax, as to the whole or any part of their, district, the provisions of this Part of this Act restricting the demanding, receiving, offering to pay, or payment of any pilotage rates other than those which may be demanded by law so far as to allow any pilot or class of pilots under their authority to demand or receive, and any master to offer or pay, any rate less than the rate which may be demanded by law.

**627 Pilotage dues for foreign ships for port of London.**

- (1) Subject to any alteration to be made by the Trinity House, and notwithstanding anything before contained in this Part of this Act, there shall be paid in respect of all foreign ships trading to and from the port of London, and not exempted from pilotage,
- (a) as to ships inwards, the full amount of pilotage dues for the distance piloted; and
  - (b) as to ships outwards, the full amount of dues for the distance required by law.
- (2) Payment of those pilotage dues shall be made to the chief officer of customs in the port of London by the master or other person having the charge of the ship, or by the consignees or agents thereof who have paid or made themselves liable to pay any other charge for the ship in the port of London.
- (3) Pilotage dues under this section may be recovered in the same manner as other pilotage dues are recoverable under this Part of this Act.

**628 Receipt and application of pilotage dues payable by foreign ships.**

- (1) Subject to any alteration to be made by the Trinity House, the chief officer of customs shall, on receiving any pilotage dues in respect of foreign ships, give to the person paying the same a receipt in writing; and in the port of London the ship may be detained until the receipt is produced to the proper officer of customs at that port.
- (2) Subject to any alteration to be made by the Trinity House, the chief officer of customs shall pay over to the Trinity House the pilotage dues received by him in respect of any foreign ship; and the Trinity House shall apply the same—
- (a) in the first place, in paying to any pilot who may bring sufficient proof of his having had the charge of the ship such dues as would have been payable to him for the pilotage service if the ship had been a British ship, after deducting therefrom the poundage due to the Trinity House; and
  - (b) in the second place, in paying to any unlicensed person who may bring sufficient proof of his having, in the absence of a licensed pilot, had the charge of the ship, such amount as the Trinity House may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage; and
  - (c) lastly, in paying over to the Trinity House Pilot Fund the residue together with all poundage deducted as aforesaid.

**629 Settlement of difference as to draught of ship.**

- (1) Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made in the case of a ship inward bound, either

within twelve hours after her arrival or at some time before she begins to discharge her cargo, and, in the case of a ship outward bound, before she quits her moorings, appoint some proper officer to measure the ship, and settle the difference accordingly.

- (2) There shall be paid to the officer who measures the ship, by the party against whom he decides, one guinea if the ship be below, and half a guinea if the ship be above, the entrance of the London Docks at Wapping.

*Pilot Fund (Trinity House).*

**630 Payments to be made to the pilot fund.**

- (1) Subject to any alteration to be made by the Trinity House, there shall continue to be paid to the Trinity House, and carried over to the Trinity House Pilot Fund,—
  - (a) a poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House ;
  - (b) a sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of that district.
- (2) If a qualified pilot gives a false account of his earnings, or makes default in paying any sum due from him under this section, he shall for each offence be liable to a fine equal to double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

**631 Application of fund.**

Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be chargeable in the first place with the payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage; and after payment thereof shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the first day of October one thousand eight hundred and fifty-three, who are incapacitated for the performance of their duty by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of those incapacitated pilots only.

**632 Appointment of sub-commissioners by Trinity Houses of Hull and Newcastle.**

- (1) The corporations of the Trinity Houses in the ports of Kingston-upon-Hull and Newcastle shall appoint sub-commissioners (not being more than seven nor fewer than three) for the examination of pilots in all districts in which they have, before the commencement of this Act, been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners for any other district situate within their jurisdiction.
- (2) A pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by either of the said corporations shall not be extended, except with the consent of Her Majesty in Council.
- (3) Sub-commissioners appointed or to be appointed under this section shall not be deemed to be pilotage authorities within the meaning of this Act, nor shall anything

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in this Act be held to confer upon the commissioners for regulating the pilotage of the port of Kingston-upon-Hull and of the River Humber any jurisdiction of a different nature or character from that which they have exercised before the commencement of this Act.

*Saving for Liability of Owners and Masters.*

**633 Limitation of liability of owner or masters where pilotage is compulsory.**

An owner or master of a ship shall not be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of that ship within any district where the employment of a qualified pilot is compulsory by law.