STATUTORY INSTRUMENTS

1976 No. 748

MERCHANT SHIPPING

The Clyde Pilotage Order 1976

Made - - - 17*th May* 1976

Coming into Operation 12*th July* 1976

Whereas application has been made in writing to the Secretary of State by the Clyde Pilotage Authority (being a person interested in the pilotage of the Pilotage District) for an order under section 7 of the Pilotage Act 1913(**a**) for the purposes of providing that certain enactments and orders shall so far as they may relate to pilotage cease to have effect and for the re-enactment thereof with amendments, for extending the area in the Clyde Pilotage District where pilotage shall be compulsory, and for connected purposes.

Now, therefore, the Secretary of State in exercise of powers conferred by section 7 of the Pilotage Act 1913, and now vested in him(**b**) and of all other powers enabling him in that behalf, hereby makes the following Order:

1.—(1) This Order may be cited as the Clyde Pilotage Order 1976 and shall come into operation on 12th July 1976.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

2.—(1) In this Order:—

"the Act of 1887" means the Clyde Navigation Act 1887(**d**);

"the Authority" means the Clyde Pilotage Authority as defined in Article 5 of this Order;

"the former Pilot Board" means the Pilot Board constituted by the Clyde Navigation (Consolidation) Act 1858(**e**);

"licensed pilot" means a person who is a pilot licensed for the Pilotage District;

"the Pilotage District" means the Clyde Pilotage District as defined in Article 3 of this Order;

"the Pilot Master" means the chief executive officer of the Authority and includes any person for the time being appointed (by whatever title) by the Authority to act in that capacity.

(**a**) 1913 (2 and 3 Geo. 5 c. 31) (**b**) *See* S.I. 1970/1537 (1970 III, p. 5293).
(**c**) 1889 c. 63. (**d**) 1887 c. viii. (**e**) 1858 c. cxlix.

(2) In this Order, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including this Order.

3.—(1) There shall continue to be a pilotage district called the Clyde Pilotage District.

(2) (*a*) The limits of the Pilotage District shall be that part of the river or firth of Clyde which lies between the landward limit and the seaward limits, (other than the areas within the limits of the Ardrossan Pilotage District as defined in section 1 of the Ardrossan Pilotage Order 1921(a) and the limits of the Irvine Pilotage District as defined in section 1 of the Irvine Pilotage Order 1921(b) as amended by the Irvine Pilotage (Amendment) Order 1954(c)), including all sea lochs and channels and all public docks and public basins within that part.

(*b*) In sub-paragraph (*a*) of this paragraph:

"the landward limit" means the west side of Albert Bridge in the city of Glasgow;

"the seaward limits" means:

(i) to the east of the Isle of Arran a line drawn due east and west across the river or firth of Clyde from the coast of Ayrshire to Corrygills Point on the east coast of the Isle of Arran; and

(ii) in Kilbrannan Sound a line drawn due east and west across the river or firth of Clyde from the north-west coast of the Isle of Arran to the coast of Kintyre being an extension of a line drawn due east and west from the southernmost point of the island of Little Cumbrae to the north-west of the Isle of Arran.

4. Pilotage shall be compulsory in the portions of the Pilotage District situated:

(*a*) to the east and north of a straight line drawn from Kempock Point, Gourock, to Strone Church Spire; and

(*b*) within the area bounded on the north-west by a straight line commencing at Cloch Point and thence proceeding in a south-south-westerly direction to the point located at latitude 55° 53.80′ north longitude 4° 55.11′ west (being the position of "N" Buoy); on the west by a straight line commencing at the position of "N" Buoy as aforesaid and thence proceeding in a south-south-westerly direction to Cumbrae Elbow; and on the south by a straight line commencing at Gull Point and thence proceeding in a south-easterly direction to Farland Head.

5.—(1) There shall be a pilotage authority for the Pilotage District called the Clyde Pilotage Authority which shall continue to be a body corporate with perpetual succession and a common seal.

(a) Confirmed by 1921 c. lxxii. (b) Confirmed by 1921 c. lv. (c) S.I. 1954/950.

(2) The Authority shall consist of nine members of whom—

(*a*) three shall be elected by the licensed pilots;

(*b*) two shall be appointed by the Clyde Port Authority;

(*c*) two shall be appointed by the Glasgow and Clyde Ship Owners' Association;

(*d*) one shall be appointed by the Clyde Shipbuilders' and Shiprepairers' Association; and

(*e*) one shall be the person who, for the time being, holds the office of Pilot Master.

(3) The members of the Authority shall be elected and appointed in accordance with the provisions of the Schedule to this Order.

6.—(1) The annual meeting of the Authority shall be held in Glasgow on or before the 31st March in each year.

(2) Special meetings of the Authority may be called at such times and places as the Authority or the chairman of the Authority may fix.

(3) The chairman of the Authority shall call a meeting of the Authority at any time on a requisition in writing addressed and delivered to him by any three members of the Authority stating the object of the meeting.

(4) A meeting of the Authority shall, except in a case of urgency, be called by notice in writing not less than three clear days before the date fixed for the meeting.

(5) (*a*) The Authority shall appoint a chairman and may appoint a deputy chairman who shall each be appointed from among the members of the Authority and shall hold office until the annual meeting of the Authority in the third year following such appointment.

(*b*) In the event of a vacancy occurring in the office of chairman or deputy chairman otherwise than by effluxion of time, the Authority shall as soon as may be thereafter appoint a successor from among the members of the Authority and he may continue in office for the remainder of the term of his immediate predecessor.

(6) In the event of the absence of both the chairman and the deputy chairman at a meeting of the members of the Authority, the members present at the meeting shall elect a chairman for that meeting from among the members present.

(7) Every question at a meeting of the Authority shall be decided by a majority of the votes of the members of the Authority present and voting on that question and in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(8) At all meetings of the Authority four members shall form a quorum.

(9) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter (other than a matter relating to pilotage charges leviable within the Pilotage District), and is present at a meeting of the Authority at which the contract or other matter is the subject

of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or the discussion of the contract or other matter or vote on any question with respect to it.

(10) Subject to the provisions of this Order the Authority may regulate their own procedure.

(11) No act or proceeding of the Authority shall be invalid on account of any vacancy in their number or on account of the appointment or election of any member having been defective.

7. A member of the Authority shall hold office on and from the date of his election or appointment until the date when his successor is elected or appointed as the case may be.

8. The chairman, deputy chairman, and any member of the Authority going out of office may be reappointed or re-elected.

9.—(1) The Authority may acquire, own, hire, build, renew, maintain and work vessels for the purposes of this Order and may at their discretion alter, sell or exchange any such vessels.

(2) For the purpose of giving effect to the provisions of paragraph (1) above the Authority may borrow at interest on the security of such vessels any sum or sums which may be required therefor and all moneys so borrowed by the Authority shall be applied by them to the aforesaid purpose and not otherwise.

10. The powers, rights and property of the former Pilot Board shall continue to be vested in and, without prejudice to the generality of the foregoing, the powers to make byelaws and regulations conferred on the former Pilot Board by section 139 of the Clyde Navigation (Consolidation) Act 1858 shall continue to be vested in the Authority and, accordingly, sections 140 to 142 of that Act shall apply to any byelaws now or hereafter made by the Authority under the said section 139.

11.—(1) The powers conferred by sections 10 to 12, 17, 20 and 21 of the Act of 1887 upon the former Pilot Board shall continue to be vested in and exercisable by the Authority and the provisions of those sections shall apply as if they were incorporated in this Order with the substitution of the Authority for the former Pilot Board.

(2) In their application to this Order, the provisions of the Act of 1887 mentioned in paragraph (1) above shall be amended:—

(*a*) by substituting in sections 10, 17 and 21 the words "power-driven" for the word "steam" wherever it occurs;

(*b*) by substituting in section 12 the words "twenty-five pounds" for the words "ten pounds";

(*c*) by deleting from section 17 the words "and the levying and collecting of dues in respect thereof"; and

(*d*) by substituting in section 21 the words "ten pounds" for the words "five pounds".

12. The Authority may make byelaws providing for the grant of deep-sea certificates certifying that persons to whom such certificates are granted are qualified to act as pilots of ships for any part of the sea or channels outside the district of any other pilotage authority constituted under the Pilotage Act 1913:

Provided that a person holding such a certificate shall not be entitled to supersede any other person as pilot of a ship.

13. The following enactments shall cease to have effect, that is to say:—

(*a*) sections 13 to 16 and 18 of the Act of 1887;

(*b*) the Clyde Pilotage Order 1920(**a**);

(*c*) Schedule 6 to the Clyde Port Authority Order Confirmation Act 1965(**b**);

(*d*) the Clyde Pilotage (Amendment) Order 1967(**c**);

(*e*) the Clyde Pilotage (Amendment) Order 1971(**d**); and

(*f*) the Clyde Pilotage (Amendment) Order 1972(**e**).

E. R. Hargreaves,
An Assistant Secretary,
Department of Trade.

17th May 1976.

SCHEDULE

Article 5

PROVISIONS RELATING TO THE ELECTION AND APPOINTMENT OF MEMBERS OF THE PILOTAGE AUTHORITY

1.—(1) The members of the Authority to be elected by the licensed pilots in accordance with Article 5(3) of this Order shall be so elected at a meeting of the licensed pilots (in this paragraph referred to as an "election meeting") which shall take place in the month of February in each year.

(2) Each election meeting shall be called by a notice in writing sent to each licensed pilot at his last known place of abode by the Secretary of the Authority not less than five clear days before the date fixed for the meeting.

(3) The Secretary of the Authority or a person nominated by him shall be the chairman of the election meeting and the returning officer.

(4) Each licensed pilot shall be entitled to take part and vote in an election.

(5) A licensed pilot's candidate for membership of the Authority shall be nominated and seconded by licensed pilots present at the election meeting and, if the number of candidates nominated does not exceed the number of persons to be elected, the candidates so nominated shall be deemed to be duly elected but if the number of persons nominated exceeds the number to be elected the election shall be decided by the majority of votes of the licensed pilots present in person or by proxy.

(**a**) Confirmed by 1920 c. cxxiv. (**b**) 1965 c. xlv. (**c**) S.I. 1967/1614.
(**d**) S.I. 1971/887. (**e**) S.I. 1972/288.

(6) Each licensed pilot present in person or by proxy at any election meeting under these provisions shall be entitled to as many votes as there are persons to be elected and shall give not more than one vote for any one candidate.

(7) A licensed pilot not intending to be present at an election meeting may by writing under his hand appoint another licensed pilot as proxy to represent and vote for him:

Provided that all instruments appointing such a proxy shall be lodged with the Secretary of the Authority not less than 48 hours before the election meeting.

(8) In the event of two or more candidates at any election having the same number of votes the chairman of the election meeting shall have a casting vote.

(9) As soon as may be after the election the chairman of the election meeting shall certify in writing to the Authority the names of the persons elected under these provisions as members of the Authority and every person so certified to be elected shall be deemed duly elected.

(10) The cost, charges and expenses of and preliminary and incidental to the election shall be paid by the Authority out of the Pilot Fund.

2. The members of the Authority to be appointed in accordance with Article 5(2) of this Order shall be so appointed by the bodies therein mentioned—

(*a*) in the case of the first appointments, not later than the last day of the month in which this Order comes into operation; and

(*b*) in the case of the second appointments, not later than 31st March 1979; and

(*c*) thereafter, not later than 31st March in every third year.

3. In the event of any vacancy among the elected or appointed members of the Authority arising otherwise than by effluxion of time the vacancy shall be filled as soon as may be thereafter in the manner prescribed for the election or appointment but any person so elected or appointed shall only hold office until the next ordinary election or appointment to his office.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order—

(*a*) consolidates the Clyde Pilotage Order 1920, the Clyde Pilotage (Amendment) Order 1967, the Clyde Pilotage (Amendment) Order 1971 and the Clyde Pilotage (Amendment) Order 1972;

(*b*) reconstitutes the Clyde Pilotage Authority;

(*c*) extends the area in the Clyde Pilotage District where pilotage shall be compulsory;

(*d*) amends certain provisions of the Clyde Navigation Act 1887 to modernise pier signalling and to increase the penalties for offences related to pier signals and repeals obsolete provisions.

Printed in England by Oyez Press Limited, and published by Her Majesty's Stationery Office
22/P14697 H53 K9 5/76

20p net

ISBN 0 11 060748 1