STATUTORY INSTRUMENTS

1978 No. 1540

MERCHANT SHIPPING

PILOTAGE

The London Pilotage (Amendment) Order 1978

Made - - - - 20*th October* 1978

Coming into Operation 8*th December* 1978

The Secretary of State, in exercise of powers conferred by section 7 of the Pilotage Act 1913(a) 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 London Pilotage (Amendment) Order 1978 and shall come into operation on 8th December 1978.

(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.

2. The Pilotage Order (London) Confirmation Act 1913(d), as amended(e) (hereinafter referred to as "the Act") shall be further amended as follows:—

(1) In paragraph 4 of the Schedule to the Act:—

(*a*) for sub-paragraph (1) there shall be substituted:—

"**4.**—(1) There shall be constituted in accordance with the provisions contained in the Appendix to this Order a Pilotage Committee of the Trinity House for the London Pilotage District (to be known as the Trinity House London Pilotage Committee and in this Order referred to as "the Pilotage Committee") consisting of persons appointed by the Trinity House and of representatives of shipowners, pilots and port authorities.";

(*b*) for sub-paragraph (3) there shall be substituted:—

"(3) The Trinity House shall delegate to the Pilotage Committee all their powers or duties under the Pilotage Act 1913, in respect of the London Pilotage District, except as follows:—

(*a*) the provision of all pilot vessels, buildings and equipment necessary to the organisation and maintenance of the pilotage services in the Pilotage District;

(*b*) control of the Trinity House Pilot Fund and Trinity House Cutter Fund;

(*c*) the sealing of any document relating to the pilotage services in the Pilotage District;

(*d*) the employment or dismissal of any employee of the Trinity House and any matter affecting such employee's terms and conditions of employment.

(a) 1913 c. 31 (2 & 3 Geo. 5).
(b) *See* S.I. 1970/1537.
(c) 1889 c. 63.
(d) 1913 c. clxv.
(e) S.R. & O. 1937/1122; S.I. 1948/1154, 1953/695.

The decisions of the Pilotage Committee on matters so delegated shall not require confirmation by the Trinity House but the Pilotage Committee shall report its proceedings to the Trinity House."

(2) For paragraphs 1 to 10 inclusive of the Appendix to the Schedule to the Act there shall be substituted:—

"**1.** The Pilotage Committee shall consist of:—

(1) Three persons appointed by the Trinity House from the serving Elder Brethren;

(2) One person appointed annually by the Port of London Authority;

(3) Two persons appointed by Dover Harbour Board, Harwich Harbour Conservancy Board and Medway Ports Authority on a rota basis, so that in each period of three years from the 10th December following the commencement of this Order the representatives for the first year shall be appointed by the Harwich Harbour Board and the Medway Ports Authority, those for the second year by Harwich Harbour Board and Dover Harbour Board, and those for the third year by Dover Harbour Board and Medway Ports Authority;

(4) Five persons representative of shipowners appointed annually by the London General Shipowners' Society or if at any time such body shall in the opinion of the Secretary of State cease to be representative of the shipowners using the ports within the London Pilotage District, then by the General Council of British Shipping or such other body or bodies representing shipowners as shall be nominated by the Secretary of State;

(5) Five persons elected by pilots in the manner hereinafter appearing;

(6) The Chairman of the Pilotage Committee shall be one of the three persons appointed under sub-paragraph (1) above and he shall be elected annually by the Pilotage Committee. In the case of an equality of votes on a question at a meeting of the Pilotage Committee, the person presiding as Chairman of the meeting shall have a second or casting vote.

2. The Dover Harbour Board, the Harwich Harbour Conservancy Board, the Felixstowe Dock and Railway Company, the British Railways Board and the Medway Port Authority may raise with the Committee any matters that affect their areas, and a representative of the port authority concerned may (at the discretion of the Chairman of the Committee or of the Committee itself) attend any relevant meeting of the Committee and take part in the proceedings when they affect its area; but such a representative shall not have the right to vote.

3. The pilots licensed for the London Pilotage District (hereinafter referred to as "licensed pilots") shall in each year elect five persons (hereinafter referred to as "pilots' representatives") being one

from each of the Inward (North), Inward (South), Channel, River Thames and River Medway Stations who may attend and vote at meetings of and serve upon the Pilotage Committee as members thereof.

4. Every pilots' representative to be elected as aforesaid shall be a licensed pilot. The meeting for election of pilots' representatives shall take place on or within seven days after the first day of December in each year at a time and place to be fixed by the Town Clerk of the City of London, and advertised by him 10 days at least, or in his default by a person to be appointed for the purpose by the Secretary of State, five days at least, before the day appointed for such meeting in one or more of the newspapers published and circulating in the City of London.

5. With respect to the election of the pilots' representatives the following provisions shall have effect, that is to say:—

(1) The Lord Mayor of London for the time being, or a person nominated by him or if the Lord Mayor is unwilling to act or nominate such a person, a person nominated by the Secretary of State, shall be the Chairman of the meeting and the Returning Officer;

(2) Every licensed pilot shall be entitled to attend the meeting and take part and vote in the election;

(3) Every candidate shall at the meeting be nominated and seconded by licensed pilots, and if the number of persons so nominated does not exceed the number of persons to be elected the persons 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;

(4) Every licensed pilot present or represented at any election shall be entitled to one vote which shall only be cast for a candidate from his own Station except that a pilot from a Station other than those enumerated in paragraph 3 of this Appendix may vote for any candidate;

(5) Any licensed pilot not present at any election may by writing under his hand appoint another licensed pilot as proxy to represent him, provided that all instruments in writing appointing such proxy shall be lodged with the Town Clerk of the City of London not less than 48 hours before the time appointed for the meeting;

(6) In the event of two or more candidates at any election having the same number of votes the Chairman shall have a casting vote;

(7) As soon as may be after the election, the Chairman shall certify in writing to the Secretary of the Trinity House the names of the persons elected, and every person so certified to be elected shall be deemed duly elected.

6. A pilots' representative, a port authority's representative and a shipowners' representative shall come into office on the tenth

day of December in the year in which they are elected or appointed, and shall remain in office until the following tenth day of December, and shall then go out of office, but may be re-appointed or re-elected as the case may be.

7. In case there is a failure in any year to elect any pilots' representatives or in case of any vacancy occurring in the pilots', port authorities' or shipowners' representatives, otherwise than by effluxion of time, the Secretary of State may appoint any duly qualified person to fill the vacancy, and the person so appointed shall hold office as though he had been elected or appointed at the same time as the person in whose place he is appointed.

8. No act or proceeding of the Committee shall be questioned on account of any vacancy in their body or on account of the election or appointment of any member having been defective or on account of any member being absent from a meeting of the Committee.

9. A pilots' representative, a port authority's representative or a shipowners' representative shall not take any part in any proceedings of the Pilotage Committee relating to any question affecting himself personally.

10. The costs, charges and expenses preliminary and incidental to elections of pilots' representatives shall be paid by the Trinity House out of the Trinity House Pilot Fund."

Transitional provisions

3. On and after the coming into operation of this Order and until the next following tenth day of December:—

(1) the port authorities shall appoint such persons as they think fit for the purposes of paragraphs 1(2) and 1(3) of the Appendix, set out in Article 2(2) of this Order;

(2) the shipowners' representatives for the purposes of paragraph 1(4) of the said Appendix, shall consist of the four persons previously appointed and one person additionally appointed, in the manner provided by the said paragraph 1(4); and

(3) the pilots' representatives for the purposes of paragraph 1(5) of the said Appendix, shall consist of the four persons last elected or appointed, and one person, who shall be a River Medway pilot, to be additionally elected or appointed by the River Medway pilots in such manner as may be agreed between the River Medway pilots and the Pilotage Authority;

(4) the Pilotage Committee shall elect a Chairman in accordance with paragraph 1(6) of the said Appendix.

Existing Committee to continue until reconstituted

4. On the eighth day of December 1978 the persons who are members and the person who is Chairman of the existing Pilotage Committee of the Trinity House for the London Pilotage District shall until the Pilotage Committee is

constituted under the provisions of the Appendix to the Schedule to the Act, as amended by this Order, be the Pilotage Committee and Chairman of the Pilotage Committee respectively.

20th October 1978.

J. N. Archer,
An Under-Secretary,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Pilotage Order (London) Confirmation Act 1913:

(*a*) by providing for the reconstitution of the Pilotage Committee of the Trinity House for the London Pilotage District; and

(*b*) by amending the powers and duties delegated by the Trinity House to the Pilotage Committee.