PART III.

1. Original Act.	2. How far continued.	3. Amending Act.
50 & 51 Vict. c. 33. Land Law (Ireland).	So much of section one as relates to the time within which applications under the section may be made.	51 & 52 Vict. c. 13.

PART IV.

1. Original Act.	2. How far continued.	3. Amending Act.
38 & 39 Vict. c. 48. Police Expenses.	The whole Act, so far as it relates to Scotland.	—

SECOND SCHEDULE.

PART I.

1. Original Acts.	2. How far continued.	3. Amending Acts.
32 & 33 Vict. c. 56. Endowed Schools (Schemes).	As to the powers of making schemes and as to the payment of the salaries of additional Charity Commissioners.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87.
48 & 49 Vict. c. 78. Educational Endowments (Ireland).	As to powers of making schemes.	—

PART II.

1. Original Acts.	2. How far continued.	3. Amending Acts.
46 & 47 Vict. c. 36. City of London Parochial Charities.	As to powers of Charity Commissioners.	—

CHAPTER 68.

An Act to amend the Law relating to Pilotage.

[30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Removal of doubts as to application of pilotage provisions of 17 & 18 Vict. c. 104. to foreign ships.

1. Whereas doubts have arisen as to the extent of the application of certain provisions of Part Five of the Merchant Shipping Act, 1854, and it is expedient to remove those doubts; be it therefore enacted and declared that in the construction of Part Five of the Merchant Shipping Act, 1854, and of the enactments amending the same, the expression "ship" includes a foreign ship.

Provisional orders as to pilotage authorities and districts.

2.—(1.) The Board of Trade may from time to time, by provisional order—

(*a*) 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; and

(*b*) extend the limits of any pilotage district by including therein any area in the United Kingdom in which there is no pilotage authority, so, however, that in the area so included there shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licences as pilots.

25 & 26 Vict. c. 63.

(2.) The provisions of section forty of the Merchant Shipping Act Amendment Act, 1862, shall apply in the case of any provisional order made in pursuance of this section.

Disciplinary powers of committee, commissioners, sub-commissioners, &c.

3. Where in pursuance of this Act provision has been made 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 power to suspend or dismiss, or to suspend or revoke the certificate of, any pilot licensed for that district who is guilty of any offence under section three hundred and sixty-five, or section three hundred and sixty-six, or section three hundred and sixty-seven of the Merchant Shipping Act, 1854.

17 & 18 Vict. c. 104.

Appeals from pilotage authorities.

4.—(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 exceeding 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 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 where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party to the appeal: Provided that in the case of 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.) The judge or magistrate may either confirm or reverse the decision of the pilotage authority, or modify the same by increasing

or decreasing any penalty or otherwise, as may seem just, and his decision shall be final.

(5.) 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.

(6.) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may from time to time be made, as respects judges of county courts, 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 one of Her Majesty's Principal Secretaries of State, but in either case with the concurrence of the Commissioners of Her Majesty's Treasury as to fees. 51 & 52 Vict. c. 43.

Employment of unqualified pilots.

5. If any master of a ship navigating outside a district in which pilotage is compulsory 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 in every case incur a penalty of double the amount of pilotage demandable for the conduct of the ship.

Returns as to pension fund.

6. The returns required by section three hundred and thirty-seven of the Merchant Shipping Act, 1854, to be made by a pilotage authority to the Board of Trade shall include separate accounts of the receipts and expenditure in respect of any pension or superannuation funds administered by or under the control of the pilotage authority.

Byelaws as to contributions to pilotage funds.

7. The powers of making byelaws conferred on a pilotage authority by section three hundred and thirty-three of the Merchant Shipping Act, 1854, shall extend to making byelaws requiring masters or mates who hold pilotage certificates granted in pursuance of section three hundred and forty or section three hundred and forty-two of that Act to contribute towards the pilotage fund of the district, and requiring that a periodical return of the pilotage services rendered by such masters or mates be made by them to the pilotage authority. Provided that the contribution of a master or mate under this section 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 from time to time fixed by the Board of Trade.

Application of fees in respect of pilotage certificates.

8. The fees mentioned in section three hundred and forty-three of the Merchant Shipping Act, 1854, shall, in the case of pilotage certificates granted or renewed by a pilotage authority, be applicable to the expenses of and incidental to the examinations referred to in that section, and to the payment of such charges in connexion with the preparation and renewal of pilotage certificates as may from time to time 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.

Fi displayed where master or mate has

9.—(1.) Where the master or mate of a ship holds a pilotage certificate granted under section three hundred and forty or three hundred and forty-two of the Merchant Shipping Act, 1854, the

pilotage certificate.

ship shall, so long as he is on board, and as the ship is within a district in which pilotage is compulsory, display a flag of the description mentioned in section three hundred and forty-six of the same Act, and, if default is made in complying with this section, the master of the ship shall incur a penalty not exceeding twenty pounds.

(2.) The holder of such a pilotage certificate shall be deemed to be a licensed pilot within the meaning of section three hundred and forty-eight of the Merchant Shipping Act, 1854.

Penalty on ordinary boat displaying colourable imitation of pilot flag.

10. Whereas by section three hundred and forty-eight of the Merchant Shipping Act, 1854, a penalty is imposed for unlawfully displaying a pilot flag, and it is expedient to extend the provisions of that section to the display of a colourable imitation of a pilot flag; be it therefore enacted that if any boat or ship, not having on board a licensed pilot or a master or mate holding a pilotage certificate granted in pursuance of section three hundred and forty or section three hundred and forty-two of the Merchant Shipping Act, 1854, displays a flag so nearly resembling a flag of the description mentioned in section three hundred and forty-six of that Act, as to be likely to deceive, there shall be incurred for every such offence a penalty not exceeding fifty pounds, to be recovered from the owner or from the master of the boat or ship, unless he proves that he had no intention to deceive.

Recovery of pilotage dues.

11. So much of section three hundred and sixty-three of the Merchant Shipping Act, 1854, as enacts that pilotage dues shall not be recovered until the dues so demanded have remained unpaid for seven days after the time of such demand being made, is hereby repealed.

Application to Scotland.

12. In the application of this Act to Scotland the following modifications shall be made:—

(*a.*) An appeal under this Act from the decision of the pilotage authority shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff or sheriff substitute sitting with an assessor as provided in this Act;

(*b.*) The Court of Session may from time to time by Acts of Sederunt make rules with respect to the procedure in case of such appeals (including costs and the remuneration of assessors) subject to the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

Application to Ireland.

13. In the application to Ireland of the provisions of this Act with respect to appeals from pilotage authorities—

(*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 Act of the session held in the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intituled "An Act to consolidate the laws relating to the Constabulary in Ireland";

(*c.*) Rules with respect to the procedure in cases of such appeals (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 Commissioners of Her Majesty's Treasury as to fees. 40 & 41 Vict. c. 56.

14. The enactments described in the schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned, without prejudice to any right or privilege acquired or liability incurred before the commencement of this Act. Repeal.

15. This Act shall be construed as one with Part Five of the Merchant Shipping Act, 1854. Construction of Act.

16. This Act shall come into operation on the first day of January one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act, but any rules which may be required for the purposes of this Act may be made at any time after the passing thereof. Commencement of Act.

17.—(1.) This Act may be cited as the Merchant Shipping (Pilotage) Act, 1889. Short titles.

(2.) This Act and the Merchant Shipping Acts, 1854 to 1887, may be cited collectively as the Merchant Shipping Acts, 1854 to 1889.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	In section three hundred and forty-three the words "and such fees shall, in the case of certificates and renewals granted by pilotage authorities, be applicable either to paying the expense of the examinations or any other general expenses connected with pilotage incurred by such authorities, or to the Pilots Superannuation Fund of the district (if any), or otherwise for the benefit of the pilots appointed by such authorities, as such authorities think fit." Section three hundred and sixty-three from "and the dues so demanded" to the end of the section.