STATUTORY INSTRUMENTS

1980 No. 1304

MERCHANT SHIPPING

PILOTAGE

The Milford Haven Pilotage Order 1980

Made - - - - 28*th August* 1980

Coming into Operation 1*st November* 1980

Whereas application has been made in writing to the Secretary of State by the Corporation of the Trinity House of Deptford Strond (being a person interested in the pilotage of the Milford Haven 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 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:—

Citation, commencement and revocation

1.—(1) This Order may be cited as the Milford Haven Pilotage Order 1980 and shall come into operation on 1st November 1980.

(2) The Milford Pilotage Order 1921(c), the Milford Pilotage (Amendment) Order 1966(d) and the Milford Pilotage (Amendment) Order 1969(e) are hereby revoked.

Interpretation

2. In this Order:—

"the Authority" means the Milford Haven District Pilotage Authority established under Article 5 of this Order;

"the former Pilotage Authority" means the Corporation of the Trinity House of Deptford Strond in its capacity as the pilotage authority for the Milford Pilotage District;

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

"the Pilotage District" means the Milford Haven Pilotage District established under Article 3 of this Order.

Pilotage district

3. There shall be established a pilotage district to be known as the Milford Haven Pilotage District consisting of two parts, the limits of which shall be respectively—

(1) Milford and Pembroke Docks, Milford Haven, and the part of the sea (with all harbours and tidal waters) within a distance of three

(a) 1913 c. 31; section 7 was amended by the Merchant Shipping Act 1979 (c. 39), section 13 and Schedule 7.
(b) *See* S.I. 1970/1537. (c) Confirmed by 1921 c. vi. (d) S.I. 1966/1440.
(e) S.I. 1969/748.

nautical miles from the Mid Channel Rocks Lighthouse and within a line drawn at a tangent from this limit to Linney Head in the east and to the western end of Skokholm Island, and thence to Wooltack Point in the west (excluding any docks belonging to the Secretary of State for Defence);

(2) the part of the sea (with all harbours and tidal waters) within a distance of three nautical miles from the seaward end of the breakwater at Fishguard.

Compulsory pilotage

4. Pilotage shall be compulsory within the Pilotage District.

Pilotage authority

5.—(1) There shall be established a pilotage authority for the Pilotage District to be known as the Milford Haven District Pilotage Authority, which shall be a body corporate with perpetual succession and a common seal.

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

(*a*) three members shall be elected by the licensed pilots from among themselves;

(*b*) two members shall be appointed by the Milford Haven Conservancy Board;

(*c*) two members shall be appointed by the General Council of British Shipping;

(*d*) one member shall be appointed by the statutory harbour authorities in Milford Haven, excluding the Milford Haven Conservancy Board;

(*e*) one shall be an independent member, who is not a licensed pilot, a member of the Milford Haven Conservancy Board, a member of the General Council of British Shipping, or a member or employee of the statutory harbour authorities in Milford Haven.

(3) The members of the Authority shall be elected and appointed at the times and in the manner provided in Schedule 1 hereto.

Meetings

6.—(1) The annual meeting of the Authority shall be held in Milford Haven on or before 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 given not less than seven clear days before the date fixed for the meeting.

Proceedings

7.—(1) (*a*) The Authority shall appoint a chairman and a deputy chairman who shall each be appointed from among the members of the Authority and shall hold office until the next annual meeting of the Authority.

(*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.

(2) The chairman, if present, shall preside at every meeting of the Authority. If the chairman is absent, the deputy chairman shall preside. If both are absent from any meeting, the members present shall elect a chairman for that meeting from among the members present, who shall preside.

(3) 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 equality of votes, the person presiding at the meeting shall have a second or casting vote.

(4) At all meetings of the Authority six members eligible to vote shall form a quorum.

(5) 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 or boarding and landing service 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.

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

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

Period of office

8.—(1) 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, but shall be eligible for re-election or re-appointment.

(2) If a member of the Authority—

(*a*) is incapacitated by physical or mental illness; or

(*b*) in the case of an appointment under Article 5(2)(*a*), ceases to be a licensed pilot;

(*c*) in the case of an appointment under Article 5(2)(*b*), (*c*) or (*d*), is notified by the organisation appointing him that his appointment is terminated;

(*d*) in the case of the independent member, reaches his seventieth birthday;

then he shall cease to be a member of the Authority and his office shall become vacant and his successor shall be elected or appointed as the case may be.

Power to acquire

9.—(1) The Authority may from time to time if they think fit acquire, own, hire or build and equip, maintain and work or enter into agreements or arrangements with any persons for the supply, use, maintenance and working of such boats or vessels as, in the opinion of the Authority, may be required for the efficient working of the pilotage service and may at their discretion either sell or exchange any such vessels. In order to acquire such boats or vessels, the Authority may acquire by purchase or otherwise all or any part of the shares in any company or companies owning such boats or vessels and may dispose of any shares so acquired.

(2) For the purpose of giving effect to the provision of paragraph (1) of this Article, the Authority may borrow at interest on the security of such vessels any sum or sums which may be required therefor: Provided that all moneys so borrowed by the Authority shall be applied by them to the purposes thereof and not otherwise.

Savings

10.—(1) Until all members of the Authority, excluding the independent member, have been appointed or elected under the provisions of this Order, the existing members of the sub-commission of pilotage for the Milford Pilotage District, shall be deemed to be members of the Authority as though they had been elected or appointed under the provisions of this Order.

(2) Until new bye-laws are made by the Authority and come into force for the Pilotage District, the bye-laws made by the former Pilotage Authority applicable to the Milford Haven Pilotage District and in force immediately before the commencement of this Order shall continue in force as if they had been made under this Order and be administered by the Authority; and references in such bye-laws to the Pilotage Authority by whom they were made shall be construed as references to the Authority.

11.—(1) If at the date of the commencement of this Order any proceeding or cause of action is pending or existing by or against the former Pilotage Authority the same shall not abate, discontinue or be in any way prejudicially affected by reason of anything in this Order but the proceeding or cause of action may be continued, prosecuted and enforced by or against the Authority as it might have been by or against the former Pilotage Authority if this Order had not been made but not further or otherwise.

(2) All contracts, deeds, bonds, agreements and other instruments entered into by or affecting, the former Pilotage Authority, and subsisting immediately before the commencement of this Order, the principal of which are set out in Schedule 2 hereto, shall be of as full force and effect against, or in favour of, the Authority, and shall be enforced as fully and effectively as if instead of the former Pilotage Authority the Authority had been party thereto; the former Pilotage Authority shall not be liable in any way in respect of any contracts, deeds, bonds, agreements and other instruments referred to in this paragraph after the commencement of this Order.

12. All Pilots' Licences and Pilotage Certificates granted by the former Pilotage Authority, shall have the same force and validity as if they had been granted by the Authority, and shall only be valid for the period stated on the said licences or certificates; on the expiry of the Pilots' Licences and Pilotage Certificates granted by the former Pilotage Authority, the Authority shall issue its own licences and certificates, and the holders of such licences shall cease to be known as Trinity House pilots.

P. L. Gregson,
An Under-Secretary,
Department of Trade.

28th August 1980.

SCHEDULE 1 (Article 5(3))

With respect to the election and appointment of members of the Authority the following provisions shall have effect—

1. The members of the Authority to be elected by the licensed pilots in accordance with Article 5(2)(*a*) shall be so elected at a meeting of the licensed pilots which shall be held as soon as may be after the commencement of this Order and thereafter triennially in the course of the month in which the first election took place.

2. The appointed members shall be appointed by the various bodies authorised to do so as soon as may be after the commencement of this Order and thereafter triennially in the course of the month in which the first appointments were made.

3. The independent member of the Authority shall be elected by the elected and appointed members of the Authority by unanimous agreement and shall hold office for three years. Failing such agreement, he shall be appointed by the Secretary of State after consultation with all interested parties and shall hold office for three years.

4. 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 of members but any person so elected or appointed shall hold office only until the next triennial election or appointment.

SCHEDULE 2 (Article 11(2))

The documents referred to in Article 11(2) of this Order shall include:—

1. The Lease of the old temporary Signal Station dated 1st September 1974 between the Corporation of Trinity House of Deptford Strond and the Milford Haven Conservancy Board.

2. The revised Agreement dated 6th August 1980 between the Corporation of Trinity House of Deptford Strond and the Milford Haven Conservancy Board in respect of the Pilot Boat Service in Milford Haven.

3. Letter of Agreement dated 3rd April 1975 between the Corporation of Trinity House of Deptford Strond and British Rail in respect of the Pilot Boat Service in Fishguard.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes the Milford Pilotage Order 1921, as confirmed by the Pilotage Orders Confirmation (No. 1) Act 1921, and amended by Milford Pilotage (Amendment) Order 1969, and establishes the new Pilotage Authority in place of Trinity House for the Milford Haven Pilotage District.

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