STATUTORY INSTRUMENTS

1976 No. 1884

MERCHANT SHIPPING

PILOTAGE

The Orkney Pilotage Order 1976

Made - - - - *9th November* 1976

Coming into Operation *7th January* 1977

The Secretary of State in exercise of powers conferred by section 7(1) 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. This Order may be cited as the Orkney Pilotage Order 1976 and shall come into operation on 7th January 1977.

2. In this Order:—

"the Act" means the Pilotage Act 1913;

"the Authority" means the Orkney Islands Council;

"the Committee" means the pilotage committee as defined in Article 6(1) of this Order;

"licensed pilot" means a person who is a pilot licensed for the pilotage district;

"the pilotage district" means Orkney Pilotage District;

"prescribed" means prescribed by Pilotage Order.

3. There shall be a pilotage district to be known as the Orkney Pilotage District the limits of which shall be:

(1) The Orkney Harbour Authority area for Scapa Flow bounded as follows: commencing at the Out Taings point on Hoy; thence in a straight line to Breckness on Mainland; thence in a generally eastern direction following the line of low water on the southern boundaries of Mainland to the northern end of the northernmost Churchill Barrier; thence in a generally southerly direction following the western sides of the four Churchill Barriers and the lines of low water on the western boundaries of the islands of South Ronaldsay (other than Swona) to Brough Ness; thence in a generally westerly direction by a straight line to the southernmost part of Swona and a straight line from that point to Brims Ness on South Walls on the island of Hoy; thence following the line of low water on the western and northern sides of Aith Hope and the seaward boundaries of South Walls and of Hoy to the point of commencement; together with that area of the Pentland Firth enclosed by a line drawn due south (true), three miles from Tor Ness Lighthouse, thence in an east-south-easterly

(a) 1913 c. 31. (b) *See* S.I. 1970/1537 (1970 III, p. 5293).

direction to Muckle Skerry Lighthouse and thence in a northerly direction to the south-eastern extremity of Old Head;

(2) the Orkney Harbour Authority area for Wide Firth/Shapinsay Sound area bounded as follows:

commencing at Harpy Taing on Mainland; thence in a straight line to Strombery on Shapinsay; thence following the line of low water on the southern boundary of Shapinsay to Hacksness; thence in a straight line to Rerwick Point on Mainland; thence in a generally westerly and north-easterly direction following the line of low water on part of the northern boundary of Mainland to the point of commencement.

4. The Pilotage Authority for the pilotage district shall be the Orkney Islands Council.

5. Pilotage shall be compulsory within that portion of the pilotage district specified in Article 3(1) above.

6. The Authority shall appoint a pilotage committee which shall consist of:

three members appointed by the Authority, of whom one shall be appointed by them as Chairman;

two persons nominated by shipowners using pilotage services in the pilotage district;

two pilots elected in such manner as may be agreed between the pilots licensed for the pilotage district and the Authority or, in default of agreement, as may be prescribed by the Secretary of State. In the event of either pilot ceasing to hold a licence for the pilotage district he shall be ineligible to act or continue acting as a member of the committee; and

two independent members appointed by the Authority.

7. Except to the extent that the Authority and the Committee may otherwise agree, all matters relating to pilotage within the pilotage district shall stand referred to the Committee who shall consider the same and report to the Authority thereon and the Authority before deciding on or exercising any powers in relation to any such matter shall receive and consider the report of the Committee with respect to the matter in question.

8.—(1) The Authority may delegate to the Committee any of their powers or duties under the Act. The decisions of the Committee on matters arising from such delegation shall not require confirmation by the Authority but the Committee shall regularly report their proceedings to the Authority.

(2) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, 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.

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

9.—(1) The members of the Committee shall hold office for a period of one year but a member may be re-appointed or re-elected at the expiration of his term of office.

(2) In the event of a vacancy arising among the Committee otherwise than by the effluxion of time it shall be filled as soon as may be thereafter in the manner specified in Article 6 above but a member of the Committee so appointed or elected shall hold office only until the next annual appointment or election.

10. The Authority may acquire, own, hire, build, renew and maintain and work vessels for the purposes of this Order and may at their discretion either sell or exchange any such vessel.

11. Separate accounts shall be kept by the Authority of all moneys received and expended by them in their capacity as pilotage authority.

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

9th November 1976.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes the Orkney pilotage district and provides for Orkney Islands Council to be the pilotage authority and to appoint a pilotage committee.

Pilotage will be compulsory within a specified part of the pilotage district.