CHAPTER 31.

An Act to consolidate and amend the Law relating to Pilotage. [7th March 1913.]

BE it enacted by the King'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:

PART I.

REVISION OF PILOTAGE ORGANISATION.

Improvement of pilotage organisation.

1. The Board of Trade shall take steps to obtain information with respect to pilotage organisation at the various ports in the United Kingdom, and, by the exercise of their powers under this Act to make Pilotage Orders, shall carry into effect any re-organisation or improvement of organisation which the Board may consider necessary or expedient at any port, and shall also at any port deal by Pilotage Order with any Act, order, charter, custom, byelaw, regulation, or provision in force at the port with a view to rendering the law relating to pilotage at the various ports in the United Kingdom accessible and, so far as possible, uniform.

Recommendations with respect to pilotage byelaws.

2.—(1) The Board of Trade shall also take steps to obtain information with respect to the byelaws as to pilotage in force at the various ports in the United Kingdom, and, after consulting with the pilotage authority at the port and considering any byelaws proposed by that authority, shall, when necessary or expedient and with a view to securing, so far as practicable, uniformity of administration and to carrying out any changes consequent on the passing of this Act, make recommendations for the substitution of new byelaws for those in force at the port, or in case there are no such byelaws in force, for the making of such byelaws as may be required at the port.

(2) If a pilotage authority fail to submit byelaws in accordance with the recommendations for confirmation by the Board of Trade under this Act, the Board may treat the byelaws recommended by the Board as if they were byelaws submitted to them by the pilotage authority for confirmation, and those byelaws, when confirmed by the Board of Trade in accordance with this Act, shall have the same effect as if they had been so submitted.

Commissioners for the purpose of Part I.

3.—(1) The Board of Trade shall appoint such persons as they think fit to act as Commissioners for the purposes of this Act, but the appointment of any person appointed to be a Commissioner under this section shall not have effect beyond

the first day of January nineteen hundred and seventeen, or such date, not being more than five years later, as the Board of Trade, with the approval of the Treasury, may determine.

(2) The Board of Trade may appoint and employ such officers or other persons as they think fit to assist any persons acting as Commissioners in the execution of their duties under this Act.

(3) The salaries and remuneration of any persons acting as Commissioners and of any persons so appointed or employed shall be determined by the Board of Trade with the approval of the Treasury, and any such salaries and remuneration, and all expenses incurred by the Board of Trade in the execution of this Act, shall be paid out of moneys provided by Parliament.

Schemes for reorganisation of pilotage at ports.

4.—(1) With a view to the preparation of schemes for the re-organisation or improvement of organisation of pilotage, the Board of Trade shall cause local inquiries to be held by any persons acting as Commissioners under this Act at the various ports of the United Kingdom, except in cases where the pilotage authority of the port has submitted, in accordance with this Act, a scheme for the purpose to the Board of Trade, and the Board of Trade are satisfied that the scheme so submitted, with such modifications (if any) as may be made by the Board, is adequate for the purpose, or the pilotage authority have satisfied the Board of Trade that no scheme for the re-organisation or improvement of organisation of pilotage at the port is necessary or expedient. Any such local inquiry may, if the Board think it necessary or desirable, include an inquiry into the byelaws in force at the port where the inquiry is held, and into the operation of those byelaws.

(2) Where any such inquiry is held at any port, the person holding the inquiry shall make a report to the Board of Trade recommending to the Board a scheme for the purpose of the re-organisation or improvement of organisation of pilotage at the port, or if a scheme has been submitted by the pilotage authority, recommending any amendments which it appears expedient to make in the scheme so submitted.

(3) The Board of Trade may, in any case they think fit, group ports for the purpose of any such local inquiry, and in that case the ports so grouped shall be dealt with at the same inquiry.

(4) Any pilotage authority may, within three months after the passing of this Act, give notice to the Board of Trade of their intention to submit a scheme to the Board for the purpose of the re-organisation or improvement of organisation of pilotage at their port, and shall in such a case also give such public notice of their intention as the Board may require, and if such a scheme is so submitted to the Board within nine months after the passing of this Act, the scheme shall be treated as a scheme submitted to the Board in accordance with this Act.

Provision as to local inquiries.

5.—(1) Notice of any local inquiry to be held under this Part of this Act shall be given and published in such manner as the Board of Trade think best fitted for giving information of the time and place of the inquiry to those concerned, and all persons interested shall be permitted to attend and make representations.

(2) Any person holding a local inquiry shall have power, by summons signed by him, to require the attendance of all such persons as he thinks fit to call and examine for the purpose of the inquiry, and shall have power to require the production of all books, papers, and documents which he considers important for that purpose.

(3) Any persons attending as witnesses at any such local inquiry shall be allowed such expenses as would be allowed to witnesses attending before a court of record, or in Scotland before the court of session, and in case of dispute as to the amount to be allowed, the dispute shall be referred by any person holding the local inquiry to a master or district registrar of the supreme court, or in Scotland to the auditor of accounts in the court of session, who on request signed by him shall ascertain and certify the proper amount of the expenses.

(4) If any person without reasonable excuse, the proof whereof shall lie on him, fails to comply with any summons or requisition of a person holding a local inquiry under this section, or impedes a person holding a local inquiry in the execution of his duty, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds, and, in addition, to a fine not exceeding one pound for every day during which the offence continues.

Consultation with pilots as to byelaws and schemes.

6. The Board of Trade, before making recommendations to a pilotage authority under this Act for the substitution of new byelaws for those in force in any port, and a pilotage authority, before submitting any scheme to the Board for the re-organisation or improvement of organisation of pilotage at their port shall, unless pilots are directly represented on the authority or on a pilotage committee of the authority, take steps to ascertain the opinion of the pilots at the port with respect to the matter in question.

PART II.

GENERAL PILOTAGE LAW.

Pilotage Orders.

Power of Board of Trade to make Pilotage Orders.

7.—(1) The Board of Trade may, by Order made under this Act (in this Act referred to as a Pilotage Order)—

(*a*) make such rearrangement of pilotage districts and pilotage authorities as the Board think necessary or expedient; and

(*b*) establish new pilotage districts and new pilotage authorities and abolish existing pilotage districts and existing pilotage authorities in cases where it appears to the Board necessary or expedient; and

(*c*) define the limits of pilotage districts, distinguishing as respects any pilotage district in part of which pilotage is compulsory and in part of which pilotage is not compulsory, the part of the district in which pilotage is compulsory; and

(*d*) provide for the incorporation of any pilotage authority, and make such alteration in the constitution of any pilotage authority with reference to their powers and duties as pilotage authority, and such provisions as to the appointment of committees (including, if it is thought fit, persons not members of the authority), and as to the relations between the authority and the committee, as the Board think necessary or expedient; and

(*e*) empower a pilotage authority to delegate to a committee thereof any of its powers and duties, and provide, if it seems necessary or desirable, that the decisions of the committee on questions so delegated shall not require confirmation by the pilotage authority; and

(*f*) make such provision for the direct representation of pilots and shipowners on any pilotage authority or committee of a pilotage authority as the Board think necessary or expedient; and

(*g*) in cases where a pilotage authority have powers and duties as to other matters as well as pilotage, provide for their accounts as pilotage authority being kept separate from their accounts in relation to other matters; and

(*h*) provide that pilotage shall be compulsory in any area where it has previously not been compulsory, or provide, in connection with any rearrangement of a pilotage district, that pilotage shall be non-compulsory in any area where it has been compulsory, subject to provision being also made for the payment of compensation to the pilots concerned for any loss or damage which may be incurred by them in consequence of such rearrangement; and

(*i*) authorise, where it appears expedient, any pilotage authority to make byelaws providing for the grant of certificates (in this Act referred to as deep sea certificates) certifying that persons are qualified to act as pilots of ships for any part of the sea or channels outside the district of any pilotage authority, so, however, that a pilot holding such a certificate shall not be entitled to supersede any other person as pilot of a ship; and

(*j*) provide that any Act (other than this Act), order, charter, custom, byelaw, regulation, or provision shall, so far as it relates to pilotage, cease to have effect within any pilotage district or as respects any pilotage authority, but may re-enact the whole or any part thereof so far as is not inconsistent with the provisions of this Act; and

(*k*) provide for compensation being paid to any pilots for any loss or damage which may be incurred by them in consequence of any Order abolishing or rearranging any pilotage districts; and

(*l*) make any provisions which appear necessary or expedient for the purpose of giving full effect to the Order.

(2) Provision shall be made by Pilotage Order for the direct representation of pilots either on the pilotage authority or on the committee of the pilotage authority of any district where there are not less than six licensed pilots if a majority of the pilots licensed for the district signify in writing to the Board of Trade that they desire such representation, and, where such provision is made, provision shall also be made for the representation of shipowners on the authority or committee, as the case may be.

(3) A Pilotage Order establishing a pilotage authority for any pilotage district shall provide for the representation on the pilotage authority of any dock or harbour authority having jurisdiction within the district which was represented on the pilotage authority for the district at the time of the passing of this Act, and which desires to be so represented.

(4) A Pilotage Order shall not be made by the Board of Trade except—

(*a*) for any of the purposes of Part I. of this Act; or

(*b*) on the application in writing of any person interested in the pilotage of any pilotage district or in the operation of the laws relating to pilotage in that district or the administration of those laws.

(5) A Pilotage Order shall require confirmation by Parliament—

(*a*) if it is an Order made for any of the purposes of Part I. of this Act; and

(*b*) if, whatever the purpose for which it is made, a petition is presented to the Board of Trade against the Order by any person appearing to the Board of Trade to be interested in the administration of pilotage in the district within six weeks after the Order is published and the petition is not withdrawn.

(6) A Pilotage Order which does not require confirmation by Parliament shall have effect as if enacted in this Act.

(7) The provisions contained in the First Schedule to this Act shall have effect with respect to Pilotage Orders.

Pilotage Districts and Authorities.

Pilotage districts and pilotage authorities.

8.—(1) For the purposes of this Act the districts established as pilotage districts under Pilotage Orders made under this Act shall be pilotage districts, and the pilotage authorities shall be the pilotage authorities as constituted by Pilotage Orders made under this Act.

(2) Until otherwise provided by Pilotage Order made under this Act, every pilotage district which is, at the time of the passing of this Act, a pilotage district shall continue to be a pilotage district, and every pilotage authority which is a pilotage authority at the time of the passing of this Act shall continue to be a pilotage authority.

Advisory Committee.

Power to appoint advisory committee.

9.—(1) The Board of Trade may appoint an advisory committee for the purpose of advising them with reference to the exercise of their powers or the performance of their duties under this Act, consisting of such persons as they may appoint, being pilots, shipowners, representatives of pilotage authorities, representatives of dock and harbour authorities, or other persons representing the interests principally affected, or having special knowledge of the subject-matter.

(2) There shall be paid to the members of any such committee out of moneys provided by Parliament such allowances and expenses as the Board of Trade may fix with the consent of the Treasury.

Compulsory Pilotage.

Continuation of existing compulsory districts and abolition of existing exemptions.

10.—(1) Subject to the provisions of any Pilotage Order, pilotage shall continue to be compulsory in every pilotage district in which it was compulsory at the time of the passing of this Act, and shall continue not to be compulsory in every pilotage district in which it was not compulsory at the time of the passing of this Act, and subject to the provisions of this Act all exemptions from compulsory pilotage in force at the date of the passing of this Act shall cease to have effect.

(2) Any reference in this Act to a pilotage district in which pilotage is compulsory shall, in the case of a district in which pilotage is compulsory only in part of the district, be construed, if the context so requires, as a reference to that part of the district only.

Obligations where pilotage is compulsory.

11.—(1) Every ship (other than an excepted ship) while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving, or making use of any port in the district, and every ship carrying passengers (other than an excepted ship), while navigating for any such purpose as

aforesaid in any pilotage district (whether pilotage is compulsory or not compulsory in that district) shall be either—

(*a*) under the pilotage of a licensed pilot of the district; or

(*b*) under the pilotage of a master or mate possessing a pilotage certificate for the district who is bonâ fide acting as master or mate of the ship.

(2) If any ship (other than an excepted ship) in circumstances in which pilotage is compulsory under this section, is not under pilotage as required by this section, after a licensed pilot of the district has offered to take charge of the ship, the master of that ship shall be liable in respect of each offence to a fine not exceeding double the amount of the pilotage dues that could be demanded for the conduct of the ship.

(3) For the purposes of this Act the following ships are excepted ships:—

(*a*) Ships belonging to His Majesty;

(*b*) Pleasure yachts;

(*c*) Fishing vessels;

(*d*) Ferry boats plying as such exclusively within the limits of a harbour authority;

(*e*) Ships of less than fifty tons gross tonnage;

(*f*) Ships exempted from compulsory pilotage by byelaw as hereinafter provided in this section.

(4) A pilotage authority may by byelaw made under this Act exempt from compulsory pilotage in their district any of the following classes of ships, if not carrying passengers, up to such limit of gross tonnage in each case as may be fixed by the byelaw, that is to say:—

(i) Ships trading coastwise;

(ii) Home trade ships trading otherwise than coastwise;

(iii) Ships whose ordinary course of navigation does not extend beyond the seaward limits of a harbour authority, whilst navigating within those limits or within such parts thereof as may be specified in the byelaw:

Provided that, if any such byelaw appears to the Board of Trade to exempt from compulsory pilotage ships of any class or description which were not at the date of the passing of this Act in practice exempted in the district to which the byelaw relates, the Board shall not confirm the byelaw, but may, if they think fit, submit to Parliament a Bill confirming the byelaw with or without modifications, and such Bill shall be treated as if it were a Bill confirming a Pilotage Order, and the provisions of this Act with respect to such Bills shall apply accordingly.

(5) For the purposes of this section, a ship which habitually trades to or from any port or ports outside the British Islands shall not be deemed to be trading coastwise, and a ship which habitually trades to or from any port outside the home trade

limits shall not be deemed to be a home trade ship, by reason only that she is for the time being engaged on a voyage between ports in the British Islands, or within the home trade limits, as the case may be.

Exemption from compulsory pilotage of ships belonging to certain public authorities.

12. The provisions of this Act with respect to compulsory pilotage shall not apply to tugs, dredgers, sludge-vessels, barges, and other similar craft—

(*a*) belonging to or hired by a dock, harbour or river authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within any pilotage district which includes within its limits the whole or any part of the area of the authority; or

(*b*) belonging to a local authority whilst employed in the exercise of the statutory powers or duties of the authority and navigating within the pilotage district within which the port to which they belong is situate:

Provided that, where in any pilotage district any of the classes of vessels aforesaid were at the time of the passing of this Act in practice subject to compulsory pilotage, the pilotage authority may by byelaw provide that any of such classes of vessels shall continue to be so subject.

Provision with respect to ships calling at a port for the purpose only of taking pilot.

13. A ship calling at a port in a pilotage district for the purpose only of taking on board or landing a pilot belonging to some other pilotage district shall not, for the purpose of the provisions of this Act relating to compulsory pilotage, be deemed to be navigating in the first-mentioned district for the purpose of entering, leaving, or making use of that port.

Provision against extension of defence of compulsory pilotage.

14. Notwithstanding anything in any Pilotage Order made under this Act, any area in which pilotage was not compulsory at the date of the passing of this Act shall be deemed to be an area in which pilotage is not compulsory for the purpose of determining the liability of the owner or master of a ship being navigated in the area for any loss or damage occasioned by or arising out of the navigation of such ship.

Liability of owner or master in the case of a vessel under pilotage.

15.—(1) Notwithstanding anything in any public or local Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

(2) This section shall not take effect until the first day of January, nineteen hundred and eighteen, or such earlier date as His Majesty may fix by Order in Council, certifying that it is necessary to bring the section into operation in order to enable His Majesty to comply with an international convention.

57 & 58 Vict. c. 60.

(3) As from the date of the coming into operation of this section, section six hundred and thirty-three of the Merchant Shipping Act, 1894, shall cease to have effect.

Power of Pilotage Authorities to license Pilots and make Byelaws.

Powers of pilotage authorities to license pilots for their district.

16. Subject to the provisions of this Act, a pilotage authority may license pilots for their district, and do all such things as may be necessary or expedient for carrying into effect their powers and duties.

Power of pilotage authorities to make byelaws.

17.—(1) A pilotage authority may by byelaws made under this Act—

(*a*) determine the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character, and otherwise to be required from persons applying to be licensed by them as pilots, provide for the examination of such persons, and fix the term for which a licence is to be in force, and the conditions under which a licence may be renewed; and

(*b*) fix the limit (if any) on the number of pilots to be licensed, and provide for the method in which and the conditions under which the list of pilots is to be filled up; and

(*c*) provide generally for the good government of pilots licensed by the authority, and of apprentices, and in particular for ensuring their good conduct and constant attendance to and effectual performance of their duties, whether at sea or on shore; and

(*d*) determine the system to be adopted with respect to the supply and employment of pilots, and provide, so far as necessary, for the approval, licensing, and working of pilot boats in the district, and for the establishment and regulation of pilot boat companies; and

(*e*) provide for the punishment of any breach of any byelaws made by them for the good government of pilots or apprentices by the infliction of fines not exceeding twenty pounds (to be recoverable as fines are recoverable under the Merchant Shipping Acts, 1894 to 1907), without prejudice to their powers under this Act to revoke or suspend the licence in the case of any such breach of byelaw; and

(*f*) fix for the district the rates of payments to be made in respect of the services of a licensed pilot (in this Act referred to as pilotage dues), and define the circumstances and conditions under which pilotage dues may be payable on different scales and provide for the collection and distribution of pilotage dues; and

(*g*) if and so far as it appears to the authority to be generally desired by the pilots concerned, provide for the pooling of pilotage dues earned by the licensed pilots or by any class of pilots in the district; and

(*h*) provide for a deduction being made from any sums received by pilots of any sums required for meeting the administrative expenses of the authority, or any contributions required for any fund established for the payment of pensions or other benefits to pilots, their widows or children (in this Act referred to as a pilots' benefit fund); and

(*i*) provide, if and so far as it appears to the authority to be generally desired by the pilots, for bonds (the penalty of which shall not in any case exceed one hundred pounds) being given by pilots for the purpose of the provisions of this Act limiting pilots' liability; and

(*j*) establish, either alone or in conjunction with any other pilotage authority, pilots' benefit funds, and provide for the direct payment to any such fund of any contributions by pilots towards the fund, or of any part of the ordinary receipts of the pilotage authority, and also for the administration of any such fund and for the conditions of participation in any such fund; and

(*k*) provide for the method of conducting the examination of masters and mates applying for pilotage certificates so as to maintain a proper standard of efficiency; and

(*l*) prohibit the grant of pilotage certificates to masters or mates who do not hold at least a mate's certificate of competency recognised under Part II. of the Merchant Shipping Act, 1894; and

(*m*) provide that a pilotage certificate shall not be renewed without re-examination unless the master or mate has made not less than a specified number of visits to the port as master or mate of any ship in respect of which the certificate is granted; and

(*n*) if the pilotage authority are an authority authorised to grant deep sea certificates by virtue of a Pilotage Order made with reference to that authority, provide for the grant of deep sea certificates; and

(*o*) apply any byelaws made under this section for the good government of pilots and the punishment of any breach of any such byelaw, with any necessary modifications, to masters and mates holding pilotage certificates; and

(*p*) require the owners of ships, whose masters or mates hold pilotage certificates, to contribute towards the pilot fund or account of the pilotage district, and require the holders of such certificates to make a periodical return to them of the pilotage services rendered by

them; provided that the contribution so required from an owner shall not exceed such proportion of the pilotage dues which would have been payable in respect of the ship if the master or mate had not held a pilotage certificate, as may be fixed by the Board of Trade; and

(*q*) provide for any matter for which provision is to be made or may be made under this Act by byelaw.

(2) A byelaw shall not take effect unless it has been submitted to the Board of Trade and confirmed by them with or without modifications.

(3) Notice of any byelaw proposed to be submitted for confirmation under this section shall, before it is so submitted, be published in such manner as the Board of Trade direct.

Power of Board of Trade on representation to revoke or vary byelaws or require pilotage authority to make byelaws.

18.—(1) If at any port either—

(*a*) a majority of the licensed pilots belonging to the port; or

(*b*) any number of persons, not less than six, being masters, owners, or insurers of vessels using the port; or

(*c*) a dock or harbour authority not being the pilotage authority;

object to any byelaw in force at the port, or desire that any byelaw should be in force at the port which is not in force therein, they may make a representation to the Board of Trade to that effect, and the Board of Trade if the representation appears to them reasonable after giving the pilotage authority, and, if they think fit, any other persons, an opportunity of making representations on the subject, may, by order, revoke, vary, or add to any byelaw to which objection is made, or require the pilotage authority to submit to them for confirmation a byelaw for the purpose of giving effect to the representation.

(2) Any byelaw revoked by any such order shall cease to have effect, and any byelaw to which additions are made or which is varied or added to, shall have effect with the variations or additions made by the order.

(3) If a pilotage authority fail to submit to the Board of Trade for confirmation a byelaw in accordance with an order made under this section, the Board of Trade may treat the byelaw which they have required the pilotage authority to submit to them as a byelaw submitted to them by the authority, and confirm it accordingly, and the byelaw so confirmed shall have effect as if it had been made and confirmed in accordance with this Act.

Licensing of pilots by pilotage authority not to involve any liability.

19. The grant or renewal of a licence to a pilot by a pilotage authority under the powers given to them by this Act does not impose any liability on the authority for any loss occasioned by any act or default of the pilot.

Form of pilot's licence, and production and return of pilot's licence to pilotage authority.

20.—(1) A pilot's licence shall be in a form approved for the time being by the Board of Trade.

(2) A licensed pilot shall, when required by the pilotage authority by whom the licence has been granted, produce his licence to the authority, and, in case his licence is revoked or suspended, shall deliver up his licence to the authority.

(3) On the death of a licensed pilot, the person into whose hands his licence comes shall without delay transmit it to the pilotage authority by whom it was granted.

(4) If any licensed pilot or other person fails to comply with the requirements of this section, he shall be liable in respect of each offence to a fine not exceeding ten pounds.

Receipts and expenses of pilotage authority.

21.—(1) All receipts of a pilotage authority in their capacity as such (other than any money received by them on behalf of and paid over to any pilot, or if the authority administer a pilots' benefit fund, any sums received by them as direct payments for that fund), shall be paid into a separate fund or account, to be called the pilot fund or account of the pilotage district.

(2) All expenses incurred by a pilotage authority in the exercise of their powers or performance of their duties as such authority shall be paid out of their pilot fund or account, and, except so far as may be provided to the contrary by byelaw, subject to the payment of those expenses, the balance shall in each year be applied for the purposes of any pilots' benefit fund established in the district, and so far as not required for that purpose shall be applied for the benefit of pilots in such manner as may be determined by the pilotage authority with the approval of the Board of Trade.

(3) A separate account shall be kept by any pilotage authority who administer a pilots' benefit fund of all moneys received by them as payments to that fund, or for the benefit of that fund, and money standing to the credit of that account shall not be applicable to any purpose other than the purposes of the fund.

(4) Nothing in this section shall prevent a pilotage authority which owns or hires the pilot boats for the district from keeping a separate account in respect of such boats.

Returns to be furnished and statements of accounts to be sent to Board of Trade by pilotage authorities.

22.—(1) Every pilotage authority shall deliver triennially, or, if the Board of Trade so direct, at shorter intervals, to the Board, in the form and at the time required by the Board, returns giving such particulars as the Board may by order prescribe with respect to pilotage in their district, and any returns so delivered shall, as soon as may be, be laid before both Houses of Parliament.

(2) Every pilotage authority shall in addition furnish annually to the Board of Trade, at such time as the Board direct, a statement of their accounts in the form prescribed by the Board, duly audited, including a statement of the average gross and net earnings of pilots during the past year, and, where the authority administer a pilots' benefit fund, the separate accounts of that fund, including particulars of the investments if any.

(3) Every pilotage authority shall allow the Board of Trade, or any person appointed by the Board for the purpose, to inspect any books or documents in the possession of that authority relating to any matter in respect of which a return is required to be delivered or a statement is required to be furnished under this section.

(4) If a pilotage authority refuse or fail without reasonable cause to deliver any return or furnish any statement to the Board of Trade in accordance with this section, His Majesty may by Order in Council suspend the pilotage authority for such time as His Majesty may direct, and thereupon the Board of Trade shall by order direct that, in the meantime, the powers of the authority shall be exercised, and the duties of the authority shall be performed, by such person as they may appoint for the purpose, and any such order shall take effect as if it were enacted in this Act.

Masters' and Mates' Certificates.

Grant of masters' and mates' certificates by pilotage authorities.

23.—(1) A pilotage authority may grant a certificate (in this Act referred to as a pilotage certificate) to any person who is bonâ fide the master or mate of any ship if that person applies for such a certificate, and if, after examination, they are satisfied that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master or mate within their district:

Provided that—

(*a*) A pilotage certificate shall not be granted to the master or mate of a ship unless he is a British subject, except in the cases for which special provision is made by this Act; and

(*b*) In any district where a byelaw is in force prohibiting the grant of pilotage certificates to masters or mates who do not hold at least a mate's certificate of competency recognised under Part II. of the Merchant Shipping Act, 1894, the pilotage authority shall not grant a certificate except to a master or mate holding such a certificate of competency.

(2) A pilotage certificate shall be in a form approved for the time being by the Board of Trade, and shall contain (in addition to any other particulars which may be prescribed) the name of the person to whom the certificate is granted, the name and draught of water of the ship or ships in respect of which it is granted, the limits of the district in respect of which the certificate is granted, and the date on which it was granted.

(3) A pilotage certificate shall not be in force for more than a year from the date on which it is granted, but may be renewed annually by the pilotage authority, subject to the provisions of any byelaw made by that authority as to re-examination.

(4) A pilotage certificate may be granted so as to extend to more than one ship belonging to the same owner, while the

master or mate is bonâ fide acting as master or mate of any such ship, provided that they are ships of substantially the same class.

(5) A pilotage authority may, on the application of the master or mate of a ship, alter his pilotage certificate so as to relate to any other ship or ships of a not substantially greater draught of water or tonnage than that to which the certificate formerly related, to which the master or mate may be transferred, or so as to cover any ships of substantially the same class and belonging to the same owner as the ships to which the certificate already relates.

(6) A pilotage authority may, for the purposes of this section, treat ships which are shown to their satisfaction to be bonâ fide under the management of the same person as manager, managing owner, demisee, or time charterer, as being ships owned by that person.

Power to grant certificate to a master or mate, not being a British subject, under special circumstances.

24.—(1) Notwithstanding anything in this Act, the provisions of this Act as to the renewal of a pilotage certificate shall apply, with respect to the renewal of a pilotage certificate granted before the first day of June nineteen hundred and six, to a master or mate who is not a British subject in the same manner as they apply to a pilotage certificate granted to a master or mate who is a British subject.

(2) If any master or mate who is not a British subject shows to the satisfaction of the Board of Trade that he is the master or mate of a ship which is of substantially the same class, and is trading regularly between the same ports as a foreign ship which, on the first day of June nineteen hundred and six, was exempt from the obligation to carry a licensed pilot, or had habitually been piloted by a master or mate of the ship who held a pilotage certificate, the Board of Trade may authorise the master or mate to apply to the pilotage authority for a pilotage certificate under this Act, and the provisions of this Act as to the granting of a pilotage certificate shall, notwithstanding anything in this Act, extend to a master or mate so applying for a certificate, although he is not a British subject, as they extend to a master or mate who is a British subject:

Provided that if the Admiralty at any time consider that, on the grounds of public safety, the provisions of this subsection should not be applicable with respect to any pilotage district or part of a pilotage district, they may make an order excluding that district or part of a district from the operation of those provisions; and while any such order is in force with respect to any such district or part of a district, a certificate granted under those provisions shall not be of any effect within that district or part of a district.

Provision with respect to foreign certificates of competency.

25. For the purposes of this Act, references to certificates of competency recognised under Part II. of the Merchant Shipping Act, 1894, shall be deemed to include references to

any certificate of competency granted by the government of a foreign country, being a certificate of a class approved by the Board of Trade for the purpose.

Supplementary Provisions as to Licences and Certificates.

Suspension or revocation of a pilot's licence or a pilotage certificate.

26. A pilotage authority may suspend or revoke any pilot's licence or any pilotage certificate granted by them if it appears to them, after giving the holder thereof an opportunity of being heard, that he has been guilty of any offence under this Act or of any breach of any byelaw made by the authority, or of any other misconduct affecting his capability as a pilot, or that he has failed in or neglected his duty as a pilot, or that he has become incompetent to act as pilot; and a licence or certificate, if so revoked, shall cease to have effect, and, if so suspended, shall cease to have effect for the period for which it is suspended:

Provided that in any case where pilots are directly represented on a committee of a pilotage authority, that committee may, until a Pilotage Order is made regulating the relations between the authority and the committee, exercise the powers conferred on a pilotage authority by this section with respect to pilots' licences as though they were the pilotage authority.

Appeal by pilot, master, or mate, against action of pilotage authority with respect to pilot's licence or pilotage certificate.

27.—(1) If a complaint is made to the Board of Trade that a pilotage authority have—

(*a*) without reasonable cause refused or failed to examine any candidate for a pilot's licence, or a master or mate for a pilotage certificate, or to grant such a licence or certificate after examination; or

(*b*) conducted any examination for a pilot's licence or a pilotage certificate improperly or unfairly; or

(*c*) imposed conditions on the granting of a pilot's licence or a pilotage certificate which they have no power to impose or which are unreasonable; or

(*d*) without reasonable cause refused or failed to renew a pilotage certificate, or, having obtained possession of any such certificate, refused or failed to return it; or

(*e*) without reasonable cause suspended or revoked a pilotage certificate; or

(*f*) in any other manner failed properly to perform their duties under this Act with respect to the matters above-mentioned in this section, or improperly exercised any of their powers under this Act with respect to those matters;

the Board of Trade shall consider the complaint, and, if they are of opinion that the complaint is in any respect well founded, shall make such order as they think fit for the purpose of redressing the matter complained of, and the pilotage authority shall give effect to any order so made by the Board of Trade.

(2) If a pilotage authority refuse or fail to give effect to any such order of the Board of Trade, the Board of Trade may, for the purpose of giving effect to the order, exercise any powers of

the pilotage authority, and anything done by the Board of Trade in the exercise of those powers shall have the same effect as if it had been done by the pilotage authority.

Appeal by pilot against action of pilotage authority in suspending, &c. pilot's licence.

28.—(1) If a pilot is aggrieved by the suspension or revocation by the pilotage authority of his licence, or by the refusal or failure of the pilotage authority to renew his licence, or by the refusal or failure of the pilotage authority who have obtained possession of his licence to return it to him, or by the imposition upon him by the pilotage authority of a fine exceeding two pounds, he may either appeal to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police magistrate 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 selected and summoned by the judge or magistrate.

(3) Objection may be taken to any person proposed to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.

(4) The judge or magistrate may confirm or reverse the suspension or revocation of the licence, or make such order in the case as may seem just, and his decision shall be final, unless special leave to appeal from the same to the High Court on a question of law or a question of mixed law and fact is given by the judge or magistrate, or by the High Court, and in such case the decision of the High Court 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 be made, as respects county court judges, 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 a Secretary of State, but in either case with the concurrence of the Treasury as to fees.

51 & 52 Vict. c. 43.

(7) In Scotland the appeal under this section shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff sitting with an assessor as provided in this section, and rules may be made by the Court of Session by Acts of sederunt with respect to the procedure in case of those appeals in Scotland (including costs and the remuneration of assessors), subject to the concurrence of the Treasury as to fees. In the application of this section to Scotland, references to the Court of Session shall be substituted for references to the High Court.

(8) In the application of this section to Ireland—

(*a*) The expression "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 Constabulary (Ireland) Act, 1836;

6 & 7 Will. 4. c. 13.

(*c*) Rules with respect to the procedure in case of appeals under this section (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 Treasury as to fees.

40 & 41 Vict. c. 56.

Fees in respect of pilots' licences and pilotage certificates.

29. Such fees shall be payable on the examination for a pilot's licence, or for a pilotage certificate, and on the grant, renewal, or alteration of any such licence or certificate, as may be fixed by byelaw made under this Act.

Rights and Obligations of Licensed Pilots.

Right of licensed pilot to supersede unlicensed persons.

30.—(1) A pilot licensed for a district may supersede any pilot not so licensed who is employed to pilot a ship in the district.

(2) Where a licensed pilot supersedes an unlicensed pilot the master of the ship shall pay to the latter a proportionate sum for his services, and shall be entitled to deduct the sum so paid from the sum payable in respect of the services of the licensed pilot.

Any question as to the proportion payable to the licensed pilot and to the person whom the licensed pilot has superseded shall be referred to the pilotage authority by whom the licensed pilot has been licensed, and their decision on the question shall be final.

(3) If in any pilotage district a pilot not licensed for the district pilots or attempts to pilot a ship after a pilot licensed for that district has offered to pilot the ship, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

(4) If the master of a ship knowingly employs or continues to employ a pilot not licensed for the district to pilot the ship within any pilotage district after a pilot licensed for that district has offered to pilot the ship, or, in the case of an outward bound ship, without having taken reasonable steps (proof whereof shall lie on the master) to obtain a licensed pilot, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

(5) If any person other than the master or a seaman being bonâ fide one of the crew of the ship is on the bridge of a ship, or in any other position (whether on board the ship or elsewhere) from which the ship is navigated, that person shall, for

the purposes of this section, be deemed to be piloting the ship unless the contrary is proved.

Declaration as to draught of ship.

31.—(1) A licensed pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and the master shall comply with any such request.

(2) If the master of a ship refuses to comply with any such request of a pilot, or makes or is privy to any other person making any false statement to the pilot in answer to the request, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

Provision as to ships within a harbour, dock, &c.

32.—(1) A ship while being moved within a harbour which forms part of a pilotage district shall be deemed to be a ship navigating in a pilotage district, except so far as may be provided by byelaw in the case of ships being so moved for the purpose of changing from one mooring to another mooring or of being taken into or out of any dock:

Provided that a byelaw shall in every case be made for the purpose aforesaid in any pilotage district where any class of persons other than licensed pilots were in practice employed at the date of the passing of this Act for the purpose of changing the moorings of ships or of taking ships into or out of dock.

(2) A ship whilst being navigated within any closed dock, lock, or other closed work in a pilotage district shall notwithstanding anything in this Act be deemed to be navigating in a district in which pilotage is not compulsory.

Copies of pilotage provisions to be furnished to pilots.

33.—(1) The pilotage authority shall cause every pilot licensed by them to be furnished with a copy of this Act as amended for the time being, and with a copy of any Pilotage Order for the time being in force in the district, and of any byelaws so in force.

(2) A licensed pilot shall produce any copy so furnished to him to the master of any ship or other person employing him when required to do so, and if he fails without reasonable cause to do so, he shall be liable in respect of each offence to a fine not exceeding five pounds.

Allowance to licensed pilot taken out of his district.

34.—(1) A master of a ship shall not, except under circumstances of unavoidable necessity, take a licensed pilot without his consent beyond the district for which he is licensed, or beyond the point up to which he has been engaged to pilot the ship, and if a master of a ship acts in contravention of this section, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

(2) Where a pilot is taken beyond the district for which he is licensed, or beyond the point up to which he has been engaged to pilot the ship, either without his consent or under circumstances of unavoidable necessity, he shall be entitled, over and above his pilotage dues, to maintenance and to the sum of ten

shillings and sixpence a day, recoverable in the same manner as pilotage dues.

(3) The sum so to be paid shall be computed from and inclusive of the day on which the ship passes beyond the district for which the pilot is licensed, or the point up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from that place, such day as will allow him sufficient time to return thereto; and in the last-mentioned case he shall be entitled to his reasonable travelling expenses.

Limitation of pilots' liability where bond is given.

35.—(1) A licensed pilot, who has given a bond in conformity with byelaws made for the purpose under this Act, shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Any bond given by a pilot in conformity with byelaws made for the purpose under this Act shall not be liable to stamp duty, and a pilot shall not be called upon to pay any expense in relation to the bond other than the actual expense of preparing the same.

(3) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may determine the amount of the pilot's liability, and, upon payment by the pilot of that amount into court, may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the court thinks just.

Obligation on licensed pilot to produce his licence to employer.

36.—(1) Every licensed pilot when acting as such shall be provided with his licence, and shall, if requested, produce it to any person by whom he is employed, or to whom he offers his services as pilot.

(2) If a licensed pilot refuses to produce his licence in accordance with this section, he shall be liable, in respect of each offence, to a fine not exceeding ten pounds.

Penalty on fraudulent use of licence.

37. If any person not being a licensed pilot for a district falsely represents himself to be a licensed pilot for that district, either by means of using a licence which he is not entitled to use or by any other means, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Pilot Boats and Pilot Signals.

Approval of pilot boats.

38. All vessels regularly employed in the pilotage service of any pilotage district (in this Act referred to as "pilot boats") shall be approved and licensed by the pilotage authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot boats.

Characteristics of pilot boats.

39.—(1) Every pilot boat shall be distinguished by the following characteristics, namely:—

(*a*) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence:

(*b*) In all other parts a black colour, painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct:

(*c*) When afloat a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation.

(2) It shall be the duty of the master of the pilot boat to see that the pilot boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance; and also that the names and numbers aforesaid are not at any time concealed; and if a master fails, without reasonable cause, to comply with the requirements of this section, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Pilotage order not to diminish powers of pilotage authorities as to pilot boats.

40. A Pilotage Order in dealing with any Act, order, charter, custom, byelaw, regulation, or provision shall not provide for abolishing or diminishing any power of a pilotage authority to acquire, own, hire, build, renew, maintain, or work pilot boats.

Display of pilot flag when pilot is on board ship.

41. When a ship is navigating in a pilotage district, and has on board a pilot licensed for that district, or a master or mate holding a pilotage certificate for that district, the master of the ship shall cause a pilot flag to be exhibited; and if he fails, without reasonable cause, to do so, he shall be liable in respect of each offence to a fine not exceeding fifty pounds.

Penalty on ordinary boat displaying pilot flag.

42. A pilot flag, or a flag so nearly resembling a pilot flag as to be likely to deceive, shall not be displayed on any ship or boat not having a licensed pilot or a master or mate holding a pilotage certificate on board, and, if any such flag is displayed on any such ship or boat, the master of that vessel shall, unless

in the case of the display of a flag likely to deceive he proves that he had no intention to deceive, be liable for each offence to a fine not exceeding fifty pounds.

Obligation to display signal for pilot in certain circumstances.

43.—(1) The master of a ship (other than an excepted ship) shall when navigating in circumstances in which pilotage is compulsory under this Act, display a pilot signal, and keep the signal displayed until a licensed pilot comes on board.

(2) The master of a ship, whether navigating in circumstances in which pilotage is compulsory or not, which is being piloted in a pilotage district by a pilot not licensed for the district, shall display a pilot signal and keep the signal displayed until a licensed pilot comes on board.

(3) If the master of any ship fails to comply with this section, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Facilities to be given for pilot getting on board ship.

44.—(1) The master of a ship (other than an excepted ship) which, in circumstances in which pilotage is compulsory under this Act, is not under pilotage as required in these circumstances, shall, if a licensed pilot of the district makes a signal for the purpose of offering his services as pilot, by any practical means consistent with the safety of his ship, facilitate the pilot getting on board the ship, and shall give the charge of piloting the ship to that pilot, or, if there are two or more licensed pilots offering at the same time, to such one of them as may, according to any byelaws for the time being in force in the district, be entitled or required to take charge of the ship.

(2) Where the master of a ship, whether in circumstances in which pilotage is compulsory or not, accepts the services of a licensed pilot, he shall, by any practical means consistent with the safety of his ship, facilitate the pilot getting on board the ship.

(3) If the master of any ship fails to comply with the provisions of this section, he shall be liable in respect of each offence to a fine not exceeding double the amount of pilotage dues that could be demanded for the conduct of the ship.

Signals to be displayed by ships requiring a pilot.

45.—(1) His Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

Offences by Pilots.

Penalty on pilot endangering ship, life, or limb.

46. If any pilot, when piloting a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness—

(*a*) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb;

that pilot shall in respect of each offence be guilty of a misdemeanour.

Penalty on person obtaining charge of a ship by misrepresentation.

47. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting, or conniving at the commission of the offence shall, in addition to any liability for damages, be liable in respect of each offence to a fine not exceeding one hundred pounds.

Offences by pilots.

48.—(1) If a licensed pilot, either within or without the district for which he is licensed,—

(*a*) himself keeps, or is interested in keeping by any agent, servant, or other person, any premises licensed for the sale of intoxicating liquors, or sells or is interested in selling any intoxicating liquors, tobacco, or tea;

(*b*) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;

(*c*) lends his licence;

(*d*) acts as pilot whilst suspended;

(*e*) acts as pilot when in a state of intoxication;

(*f*) employs, or causes to be employed, on board any ship which he is piloting any boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person;

(*g*) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any ship within the district for which he is licensed, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom the pilot is licensed, or by any chief officer of Customs and Excise;

(*h*) unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship ;

(*i*) refuses, otherwise than on reasonable ground of danger to the ship, when requested by the master, to conduct the ship which he is piloting into any port or place within the district for which he is licensed ; or

(*k*) quits the ship, which he is piloting, before the service for which he was engaged has been performed and without the consent of the master of the ship ;

that pilot shall, in addition to any liability for damages, be liable in respect of each offence to a fine not exceeding one hundred pounds.

(2) If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

(3) The provisions of the law relating to Customs with respect to the recovery of penalties under that law, and the application of such penalties, shall apply in the case of any prosecution by any officer of Customs and Excise for the recovery of a fine in respect of any offence against this section.

Recovery, &c. of Pilotage Dues.

Recovery of pilotage dues.

49.—(1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a licensed pilot are obtained, namely :—

(*a*) the owner or master ;

(*b*) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge ;

(*c*) as to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her departure ;

and those dues may be recovered in the same manner as fines of like amount under the Merchant Shipping Act, 1894, but that recovery shall not take place until a previous demand has been made in writing.

(2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

Receiving or offering improper rates of pilotage.

50. A licensed pilot shall not demand or receive, and a master shall not offer or pay to any licensed pilot, dues in respect of pilotage services at any other rates, whether greater

or less, than the rates which may be demanded by law, and, if a pilot or master acts in contravention of this enactment, he shall be liable in respect of each offence to a fine not exceeding ten pounds.

Pilotage rate for leading ships.

51. If any boat or ship, having on board a licensed pilot, leads any ship which has not a licensed pilot on board when the last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

Special Provisions as to the Trinity House.

Trinity House outport districts

52.—(1) For the purposes of this Act, any district which at the time of the passing of this Act is under the authority of sub-commissioners appointed by the Trinity House and any pilotage district which may be declared after the passing of this Act to be a Trinity House outport district, shall be deemed to be a Trinity House outport district.

(2) The powers and duties of the Trinity House under this Act as the pilotage authority of an outport district shall be exercised and performed through a committee appointed for the district in such manner and subject to such conditions as may be determined by a Pilotage Order, under the name of Sub-Commissioners or such other name as may be fixed by the Order, and any such Order may be made so as to apply to all or any one or more of the outport districts.

Trinity House Pilot Fund.

53. Nothing in this Act shall oblige the Trinity House to maintain separate pilot funds for each of the pilotage districts of which they are the authority, and, if they maintain a single pilot fund for all those districts, the provisions of this Act as to pilot funds shall apply as if all the districts of which they are the pilotage authority were a single pilotage district.

Power of Trinity House to make provisions as to exempt pilots.

54. Notwithstanding anything in this Act, the Trinity House may permit any person who, at the date of the passing of this Act, was licensed to pilot an exempted vessel in the Thames or Medway, to continue to pilot any vessel in those rivers belonging to a class which, at the date of the passing of this Act, were exempted vessels, and were, in the opinion of the Trinity House, in practice piloted by such persons, and any such person while so acting shall be deemed, for the purposes of this Act, to be a licensed pilot.

Collection of pilotage dues in Port of London by officers of Customs and Excise.

55.—(1) The following pilotage dues in respect of foreign ships, not being excepted ships, trading to and from the port of London, namely:—

(*a*) as to ships inwards, the full amount of pilotage dues for the distance piloted; and

(*b*) as to ships outwards, the full amount of dues for the distance required by law;

shall be paid to the chief officer of Customs and Excise in the port of London by the master, or by any consignees or agents of

the ship who have paid, or made themselves liable to pay, any other charge for the ship in the port of London.

(2) The chief officer of Customs and Excise, on receiving any pilotage dues in respect of foreign ships, shall give to the person paying the dues a receipt in writing for the dues, and in the port of London the ship may be detained until the receipt is produced to the proper officer of Customs and Excise of the port.

(3) The chief officer of Customs and Excise shall pay over to the Trinity House the pilotage dues received by him under this section, and the Trinity House shall apply the dues so received—

(*a*) in paying to any licensed pilot who produces to them sufficient proof of his having piloted the ship such dues as would have been payable to him for pilotage services if the ship had been a British ship, after making any deductions which they are authorised to make by byelaw under this Act; and

(*b*) in paying to any person not being a licensed pilot who produces to them sufficient proof of his having, in the absence of a licensed pilot, piloted the ship, such amount as the Trinity House think proper, not exceeding the amount which would, under similar circumstances, have been payable to a licensed pilot after making the said deductions; and

(*c*) in paying over to the Trinity House pilot fund the residue, together with the amount of any deductions made as aforesaid.

(4) Nothing in this section shall affect the application of the provisions of this Act as to the recovery of pilotage dues.

Miscellaneous and General Provisions.

Limit on expenditure.

56. The expenditure under this Act out of money provided by Parliament shall not exceed six thousand pounds in any one year.

Application of 37 & 38 Vict. c. 40.

57. The Board of Trade Arbitrations, &c. Act, 1874, shall apply as if this Act were a special Act within the meaning of the first-mentioned Act.

Saving for pilotage authorities having power to apply money received in name of pilotage to other purposes.

58. Notwithstanding anything in this Act, where a pilotage authority is entitled by statute at the time of the passing of this Act to receive moneys in the name of pilotage and to apply part of such moneys to purposes other than those authorised under this Act, a Pilotage Order made under Part I. of this Act in respect of that authority may provide for the apportionment of the moneys so received as between the pilot fund or account and such other purposes.

Commencement of Act.

59. This Act shall (except as expressly provided) come into operation on the first day of April nineteen hundred and thirteen: Provided that any enactment, order, charter, custom, byelaw, regulation, or provision with reference to pilotage

affecting any pilotage district in particular, and in force at the time of the passing of this Act, including any exemptions from compulsory pilotage taking effect thereunder, shall remain in force notwithstanding anything in this Act or any repeal effected by this Act, until provision is made by Pilotage Order, or in the case of a byelaw by byelaw, made under this Act superseding any such enactment, order, charter, custom, byelaw, regulation, or provision.

Repeal.

60.—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that—

(*a*) Any order in council, licence, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed or in pursuance of any power which ceases in consequence of this Act, shall, subject to the provisions of this Act, continue in force as if it had been made or granted under this Act; and

(*b*) Any officer appointed, any body elected or constituted, and any office established under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;

(*c*) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, as regards the effect of repeals.

52 & 53 Vict. c. 63.

Extent of Act.

61. This Act extends to the United Kingdom and the Isle of Man, and applies to all ships, British and foreign.

Short title.

62. This Act may be cited as the Pilotage Act, 1913, and shall be construed as one with the Merchant Shipping Act, 1894, and the Acts amending the same; and the Merchant Shipping Acts, 1894 to 1907, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1913.

SCHEDULES.

FIRST SCHEDULE.

Section 7.

PROVISIONS AS TO PILOTAGE ORDERS.

1. Subject to the provisions of this schedule, the Board of Trade may make rules in relation to applications for Pilotage Orders, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within

which representations or objections with reference to any application are to be made, and as to the publication of Pilotage Orders.

2. Notice of an application for an Order shall be published once at least in each of two successive weeks in the month immediately succeeding the date of the application in such manner as may be prescribed by the rules made by the Board of Trade.

3. The notice shall state the object which it is proposed to effect by the Order.

4. The Board of Trade on receiving any application for an Order shall refer the application to the pilotage authority of the district, if the authority are not themselves the applicants, and shall consider any objections which may be made to the proposed Order whether by the pilotage authority or by other persons appearing to the Board of Trade to be interested, and for that purpose shall allow at least six weeks to elapse between the date on which the application is referred to the authority and that on which the Order is made.

5. The Board of Trade may submit to Parliament for confirmation any Order which requires confirmation by Parliament.

6. If and when a Bill confirming any such Order is pending in either House of Parliament, a petition is presented against any Order comprised therein, the Bill, so far as it relates to that Order, may be referred to a Select Committee, or, if the two Houses of Parliament think fit so to order, to a Joint Committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

7. Any Act confirming an Order under this Act may be repealed, altered, or amended by any subsequent Order made under this Act.

8. The Board of Trade may revoke, either wholly or partially, any Order made by them before the Order is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the Order is pending in either House of Parliament.

9. The making of an Order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of the Order have been complied with.

Section 60

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections five hundred and seventy-two to six hundred and thirty-two inclusive, and the twenty-first schedule.
60 & 61 Vict. c. 61.	The Merchant Shipping (Exemption from Pilotage) Act, 1897.	The whole Act.
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	Section seventy-three.