CHAPTER xcvii.

An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping Act 1894 relating to the London and English Channel Pilotage Districts. [20th July 1896.]

A.D. 1896.

WHEREAS a Provisional Order made by the Board of Trade under the Merchant Shipping Act 1894 does not take effect unless and until it is confirmed by Act of Parliament: 57 & 58 Vict. c. 60.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

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

Confirmation of Order in schedule.

1. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act take effect and have full validity and force.

Short title.

2. This Act may be cited as the Pilotage Order Confirmation Act 1896.

A.D. 1896.

SCHEDULE.

London and Channel.

LONDON AND CHANNEL.

Order providing for the Representation of Pilots and Shipowners on the Pilotage Committee of the Pilotage Authority of the London District and the English Channel District.

Short title.

1. This Order may be cited as the London and Channel Pilotage Order 1896.

Interpretation.

2. In this Order the following expressions have the meanings assigned to them respectively :—

"Trinity House" means the Master Wardens and Assistants of the Guild Fraternity or Brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the Parish of Deptford Strond in the County of Kent commonly called the Corporation of the Trinity House of Deptford Strond.

"Pilotage committee" means any committee appointed by the Trinity House for exercising their jurisdiction or any of their powers as a pilotage authority within the London district and the English Channel district as defined by section 618 of the Merchant Shipping Act 1894 or either of such districts and includes any body or persons to whom such jurisdiction or powers may for the time being be deputed.

"Licensed pilot" means a pilot appointed and licensed by the Trinity House for the purpose of conducting ships within the limits of the aforesaid London district and the aforesaid English Channel district or in any area within those limits but does not include a master or mate holding a certificate under section 599 or section 600 of the Merchant Shipping Act 1894.

"Shipowner" means any person or firm or partnership or any duly incorporated company whose name appears on the final list of shipowners made out under the Thames Conservancy Act 1894 and for the time being in force.

Shipowners to elect a representative on pilotage committee.

3. In the year 1896 and in each subsequent year the shipowners may and shall in manner herein-after in this Order provided elect one person (herein-after referred to as "shipowners' representative") to serve upon the pilotage committee and every person so elected shall and may serve and act accordingly in like manner as other members of the pilotage committee.

Pilots to elect representatives.

4. In the year 1896 and in each subsequent year the licensed pilots may and shall in manner herein-after in this Order provided elect three persons (herein-after referred to as "the pilots' representatives") of whom such one but not more than one as the pilots' representatives from time to time nominate under such regulations as the pilots' representatives for the time being think fit, and the Board of Trade approve may attend and vote at meetings of and serve upon the pilotage committee as a member thereof.

A.D. 1896.

London and Channel.

Representatives to be increased in proportion to increase of pilotage committee.

5. If and whenever the number of members of the pilotage committee appointed by the Trinity House shall be increased so as to exceed four (1) the shipowners may in manner herein-after in this Order provided elect an additional representative or additional representatives to serve and act as aforesaid and (2) the pilots' representatives may nominate an additional one or more of their number to attend and vote at meetings of and serve upon the pilotage committee as aforesaid so that the number of members of the pilotage committee who are shipowners' representatives and pilots' representatives nominated to attend and vote at meetings of and serve upon the pilotage committee shall not together be less than and shall be maintained as nearly as may be at one-third of the total number for the time being of the members of that committee and every additional representative shall and may serve and act in like manner as a representative elected pursuant to the last preceding section of this Order.

Meetings for election of pilots' representatives.

6. Every pilots' representative to be elected as aforesaid is to be a licensed pilot or a person who has been a licensed pilot The meeting for election of pilots' representatives shall take place on or within seven days after the first day of December in each year at a time and place to be fixed by the town clerk of the city of London and advertised by him ten days at least or in his default by a person to be appointed for the purpose by the Board of Trade five days at least before the day appointed for such meeting in one or more of the newspapers published and circulating in the city of London.

Rules for election of pilots' representatives.

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

(1.) The Lord Mayor of London for the time being or a person nominated by him shall be the chairman of the meeting and the returning officer.

(2.) Every licensed pilot shall be entitled to attend the meeting and take part and vote in the election of the pilots' representatives thereat.

(3.) Every candidate for the office of pilots' representative shall at such meeting be nominated and seconded by licensed pilots and if the number of persons so nominated does not exceed the number of persons to be elected the persons so nominated shall be deemed to be duly elected but if the number of persons nominated exceeds the number to be elected the election shall be decided by the majority of votes.

(4.) Every licensed pilot present or represented at any election is to be entitled to as many votes as there are persons to be elected but is not to give more than one vote for any one candidate.

(5.) Any licensed pilot not present at any election may by writing under his hand appoint another licensed pilot as proxy to represent him provided that all instruments in writing appointing such proxy shall be lodged with the town clerk of the city of London not less than forty-eight hours before the time appointed for the meeting.

(6.) In the event of two or more candidates at any election having the same number of votes the chairman of the meeting shall have a casting vote at such election.

(7.) The chairman of the meeting as soon as may be after the election shall according to the best of his judgment and ability truly certify in writing to the Secretary to the Trinity House the names of the persons elected and every person so certified to be elected shall be deemed duly elected.]

A.D. 1896.

London and Channel.

Rules for election of shipowners' representatives.

8. With respect to the election of the shipowners' representative or representatives the following provisions shall have effect that is to say :—

(1.) A print of the final list for the time being in force of shipowners made out under the Thames Conservancy Act 1894 issued by the Thames Conservators signed by the town clerk of the city of London shall be sufficient evidence that the persons named therein are entitled to take part and vote in the election in that year of the shipowners' representative or representatives under this Order and a copy of such list shall after the fifteenth day of November and until the day of election be open to public inspection without any fee at the office of the said town clerk between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

(2.) No person shall be entitled to attend any meeting for the election of shipowners' representatives or be elected as a shipowners' representative unless he is a male person of full age whose name appears upon the said list or who is a member of the board of directors or other governing body of a body corporate or member of a partnership body whose name appears therein.

(3.) Every candidate for the office of shipowners' representative shall before the fifteenth day of November immediately preceding such election give notice of his intention to be a candidate at such election by writing under his hand delivered at the office of the town clerk of the city of London.

(4.) If the number of candidates for the office of shipowners' representative does not exceed the number of persons to be elected such candidate or candidates shall be deemed duly elected and the said town clerk shall before the tenth day of December certify in writing to the Secretary to the Trinity House the names of such candidates so elected but if the number of candidates exceeds the number to be elected a meeting for election shall be held as herein-after provided.

(5.) The said town clerk shall before such meeting publish once at least in two newspapers usually circulating among shipowners in the city of London the names of the persons who have given notice as aforesaid of intention to be candidates at such election seven clear days at least before the day appointed for the election.

(6.) Every such meeting for election shall be held on or within seven days after the first day of December and the day hour and place at which such meeting is to be held shall be appointed by the said town clerk and notice of such appointment shall be published by him not less than fourteen or more than twenty-one days before the date appointed for the meeting.

(7.) Every person entitled to attend and attending the meeting is to have as many votes as there are persons to be elected but is not to give more than one vote for any one candidate and the election shall be decided by the majority of votes.

(8.) The Lord Mayor of London for the time being or some person nominated by him shall be chairman of the meeting and returning officer and in case of an equality of votes the chairman of the meeting shall have a casting vote.

(9.) The chairman of the meeting as soon as may be after the election and before the tenth day of December shall certify in writing to the secretary to the Trinity House according to the best of his judgment and ability the name or names of the person or persons elected and every person so certified to be elected shall be deemed duly elected.

(10.) A vote at any election may be given either by the shipowner personally or by another shipowner as his proxy or in the case of a body corporate by any shareholder or officer of the body as their proxy.

The appointment of the proxy shall be made by an instrument in writing and the appointor may nominate two or more persons as proxies in the alternative and every such proxy shall bear date the day of its execution and be signed by the appointor or if the appointor is a body corporate sealed with their common seal.

The instrument appointing a proxy shall not be used at any election unless it has been deposited at the office of the said town clerk not less than forty-eight hours before the time appointed for the election of shipowners' representatives.

Any such instrument shall not be valid except for the election next after the date of its execution.

Term of office.

9. A pilots' representative and a shipowners' representative shall come into office on the tenth day of December in the year in which they are elected and shall remain in office until the tenth day of December next succeeding their election and shall then go out of office but shall be eligible for re-election.

Provision for failure to elect or casual vacancy.

10. In case any election of pilots' representatives or shipowners' representatives is prevented from being held in conformity with this Order or in case by any cause there is a failure in any year to elect any pilots' representatives or to elect any shipowners' representatives or in case of any vacancy occurring in the pilots' representatives or the shipowners' representatives respectively otherwise than by effluxion of time the Board of Trade may appoint any duly qualified person or duly qualified persons to fill such vacancy and the person or persons so appointed shall continue in office as if he or they had been duly elected at the last preceding election of pilots' representatives or shipowners' representatives as the case may be.

Provision for appointment of additional representatives in case of increase of pilotage committee.

11. If owing to the increase of the number of members of the pilotage committee appointed by the Trinity House any additional pilots' representative or any additional shipowners' representative is required to act till the next election it shall be lawful for the pilots' representatives and the shipowners' representative or representatives for the time being as the case may be by writing under hand or in case of default for one month then it shall be lawful for the Board of Trade to appoint any duly qualified person or persons to be such representative or representatives and the person or persons so appointed shall continue in office as if he or they had been duly elected at the last preceding election of pilots' representatives or shipowners' representatives as the case may be.

Vacancy not to affect power of body.

12. A vacancy in the office of a representative to be elected under this Order or a failure to nominate the pilots' representative or representatives who may attend and vote at meetings of and serve upon the pilotage committee as hereinbefore provided is not in any way to affect the proceedings or powers of the body of which he is so elected to be a member.

Representatives not to act in proceedings affecting them personally.

13. A pilots' representative or a shipowners' representative elected under this Order shall not take any part in any proceedings of the pilotage committee relating to any question affecting himself personally.

A.D. 1896.

London and Channel.

Costs of elections and Order.

14. The costs charges and expenses of and preliminary and incidental to elections of pilots' representatives under this Order shall be paid by the Trinity House out of the Trinity House Pilot Fund and the costs charges and expenses of and preliminary or incidental to the elections of shipowners' representatives and the costs charges and expenses of and preliminary and incidental to preparing for obtaining and passing this Order or otherwise in relation thereto including the confirmation thereof by Parliament shall be paid by the General Shipowners' Society of London.

Reserving general Acts.

15. Nothing in this Order shall exempt the Trinity House or the pilotage districts within their jurisdiction from the provisions of any general Act of Parliament now in force or hereafter to be passed relating to pilotage or pilotage dues or to merchant shipping or to ports harbours or docks or to dues on shipping or on goods carried therein or from any future revision and alteration thereof under the authority of Parliament.

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