CHAPTER xxxii.

An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping Act 1894 relating to the Llanelly and Burry Pilotage District. A.D. 1899.

[20th June 1899.]

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 :—

1. The Order 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. Confirmation of Order in schedule.

2. This Act may be cited as the Pilotage Order Confirmation Act 1899. Short title.

A.D. 1899.

SCHEDULE.

Llanelly and Burry.

LLANELLY AND BURRY PILOTAGE.

Provisional Order made by the Board of Trade for exempting from compulsory pilotage vessels bound over the Bars of Burry and Loughor and for affording direct representation of pilots on the Pilotage Committee of the Llanelly Harbour and Burry Navigation Commissioners being the Pilotage Authority for the District.

Preliminary.

Short title and commencement.

1.—(1.) This Order may be cited as the Llanelly and Burry Pilotage Order 1899.

(2.) This Order shall come into operation upon the day on which the Act confirming this Order is passed and that date is in this Order referred to as the commencement of this Order.

Interpretation.

2. In this Order unless the context otherwise requires—

The expression "Commissioners" means the Llanelly Harbour and Burry Navigation Commissioners as incorporated and constituted by the Llanelly Harbour Act 1864 and the Llanelly Harbour Act 1878 and acting under and by virtue of the Llanelly Harbour Acts 1858 to 1896;

The expression "Pilotage Committee" means the Pilotage Committee of the Commissioners;

The expression "licensed pilot" means a pilot duly licensed by the Commissioners but does not include a master or mate of a ship holding a pilotage certificate granted under section 599 or section 600 of the Merchant Shipping Act 1894.

57 & 58 Vict. c. 60.

Exemption from compulsory pilotage.

Ships bound over the Burry and Loughor Bars exempt from compulsory pilotage.

3. From and after the commencement of this Order and notwithstanding anything contained in any byelaws made by the Commissioners the masters and owners of all ships inward or outward bound over the bars of Burry and Loughor shall be exempt from any obligation to employ pilots for piloting their ships over the bars of Burry and Loughor or to pay for pilots when not so employing them.

Provision as to compensation.

4.—(1.) If it is proved to the satisfaction of an arbitrator to be agreed upon by the Commissioners and the pilots licensed before the commencement of this Order by the Commissioners or in default of such agreement to be appointed by

the Board of Trade on the application of not less than one-third of those pilots—

(*a*) that a diminution in the employment of or other loss to the pilots so licensed by the Commissioners has occurred; and

(*b*) that that diminution or loss has been caused by the operation of this Order and has not been adequately met by increased pilotage rates or by provision for superannuation or by other means;

the Commissioners shall pay to any pilot licensed by them before the commencement of this Order in respect of the loss which he may suffer by the operation of this Order such compensation either by way of annual payment or otherwise and during such period of time not exceeding the life of the pilot affected as may be determined by the arbitrator.

(2.) An arbitrator shall not be agreed upon or appointed for the purposes of this section before the expiration of two years nor after the expiration of three years from the commencement of this Order.

(3.) The costs of the arbitration shall be paid by the Commissioners.

Representation of pilots on the Pilotage Committee.

Pilots' representatives on Pilotage Committee.

5.—(1.) The licensed pilots may elect in manner provided by this Order two pilots' representatives to be members of the Pilotage Committee and those representatives shall be entitled to take part in any proceedings of the Committee in relation to pilotage in the same manner in all respects as members of the Committee appointed by the Commissioners except that a pilots' representative shall not be entitled to take part in any proceedings of the Committee which relate to himself personally as a pilot as apart from the general body of pilots.

(2.) The pilots' representatives must be either licensed pilots or persons who have been licensed pilots.

Pilots' annual meeting.

6.—(1.) A meeting of licensed pilots shall be held annually in the month of March for the election of pilots' representatives and that meeting is in this Order referred to as the pilots' annual meeting.

(2.) The day time and place of the pilots' annual meeting shall be fixed by the clerk to the Commissioners and he shall cause not less than ten days' notice of the day time and place so fixed to be given by advertisement in one or more newspapers published or circulated in Llanelly.

Term of office of pilots' representatives casual vacancies &c.

7.—(1.) A pilots' representative shall come into office on the day following the pilots' annual meeting at which he is elected and his term of office shall continue until the day following the next such annual meeting and subject to the provisions of this Order shall then cease.

(2.) A retiring pilots' representative shall be eligible for re-election.

(3.) If a casual vacancy occurs in the pilots' representatives by death resignation or otherwise the remaining pilots' representative may appoint a qualified person to be pilots' representative by writing signed by him and delivered to the clerk of the Commissioners and the person so appointed shall hold office until the time when the person whose office is vacant would have gone out of office.

(4.) Any vacancy in the office of pilots' representatives or any want of qualification of a pilots' representative shall not affect the validity of any acts or proceeding of the Pilotage Committee.

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(5.) If in any year there is a failure to hold an election of pilots' representatives for any reason the term of office of the pilots' representatives then in office shall continue until an election is held.

Rules for election.

8. The following rules shall be observed with respect to elections of pilots' representatives at the pilots' annual meeting:—

(1.) The clerk to the Commissioners or failing him a person appointed by the Board of Trade shall be chairman of the meeting and returning officer and shall preside and regulate the proceedings at the meeting;

(2.) Every licensed pilot shall be entitled to attend the meeting and take part and vote in the election of pilots' representatives thereat but this provision is not to authorise attendance to the prejudice of the pilot service:

(3.) Candidates for the post of pilots' representatives must be nominated by means of a nomination paper (in the form to be supplied by the clerk to the Commissioners) signed by at least two licensed pilots:

(4.) If the number of persons so nominated does not exceed the number of persons to be elected the persons so nominated shall at the meeting be declared to be duly elected but if the number of persons nominated exceeds the number to be elected the election shall be decided by ballot by the majority of the licensed pilots voting either in person or by proxy at the meeting:

(5.) The ballot shall remain open from 11 o'clock a.m. to 4 o'clock p.m. on the day of the meeting:

(6.) Every licensed pilot present or represented at the meeting 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:

(7.) A licensed pilot may by means of a proxy paper (in the form to be supplied by the clerk to the Commissioners) signed by him appoint another licensed pilot as proxy to represent him at the meeting:

(8.) Any nomination paper nominating a candidate for election at the meeting and any proxy paper appointing a proxy to represent any pilot at the meeting must be lodged with the clerk to the Commissioners not later than 4 o'clock on the day preceding the day fixed for the meeting:

(9.) In the case of two or more candidates having the same number of votes but in no other case the chairman of the meeting shall be entitled to a casting vote but the chairman may also if he thinks fit instead of deciding the election by his vote decide it by drawing lots:

(10.) The chairman of the meeting as soon as may be after the election is determined shall report in writing the names of the persons so elected to the Commissioners:

(11.) All costs charges and expenses of or preliminary or incidental to the election of pilots' representatives under the Order shall be paid by the Commissioners.

General.

Saving for general Acts.

9. Nothing in this Order shall exempt the Commissioners or any Pilotage Committee of the Commissioners or of the Pilotage District within the jurisdiction of the Commissioners 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.

Costs of Order.

10. The costs charges and expenses of and incidental to preparing obtaining and passing this Order including the confirmation thereof by Parliament or otherwise incurred in relation thereto shall be paid by the Commissioners.

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