STATUTORY INSTRUMENTS

1964 No. 1467

MERCHANT SHIPPING

The Pilotage Orders (Applications) Rules 1964

Made - - - - 8*th September* 1964
Coming into Operation 21*st September* 1964

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of his powers under the provisions of Schedule 1 to the Pilotage Act 1913(a) relating to applications for Pilotage Orders under Section 7(4)(*b*) of that Act and of all other powers him enabling in that behalf hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Pilotage Orders (Applications) Rules 1964 and shall come into operation on the 21st September 1964.

(2) The Pilotage Orders (Applications) Rules 1947(b) as amended by the Pilotage Orders (Applications) (Amendment) Rules 1963(c) are hereby revoked without prejudice however to the validity of anything done thereunder before the 21st September 1964.

(3) Any application made or anything done before the 21st September 1964 under the said Rules shall, so far as the application could have been made or the thing could have been done under these Rules, have effect as if made or done, as the case may be, under these Rules.

2.—(1) In these Rules unless the context otherwise requires:—

"The Act" means the Pilotage Act 1913.

"Applicant" means an applicant for a Pilotage Order.

"Application" means an application for a Pilotage Order.

"Order" means a Pilotage Order made under section 7 of the Act.

"Prescribed" means prescribed by these Rules.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. An applicant shall be a 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.

4.—(1) An application shall be made, in writing, to the Secretary, Ministry of Transport, London, and shall be accompanied by the prescribed fee.

(2) The application shall state fully the object proposed to be effected by the Order, the provisions proposed to be inserted in the Order, and the grounds on which the application is based.

(a) 2 & 3 Geo. 5. c. 31. (b) S.R. & O. 1947/1148 (Rev. XIV, p. 666: 1947 I, p. 1283).
(c) S.I. 1963/179 (1963 I, p. 178). (d) 52 & 53 Vict. c. 63.

5. The applicant shall publish a notice of the application once in each of two successive weeks in the period of one month immediately succeeding the date of the application in the following newspapers, viz., "Lloyd's List", "The Journal of Commerce" and at least one newspaper circulating in the pilotage district in respect of which the application is made.

6. The notice of advertisement of the application shall contain:—

(*a*) the name, address and description of the applicant;

(*b*) a statement of the object proposed to be effected by the Order;

(*c*) a list of the addresses at which copies of the draft Order and of the application are available for inspection, and at which such documents may be purchased at an inclusive charge not exceeding 5s.;

(*d*) a statement of the manner in which and of the time within which objections or representations with reference to the application are to be made, as provided by Rule 7 of these Rules.

7. Any objection or representation with reference to any application shall be in writing and shall state fully the grounds on which it is based, and shall be deposited with the Secretary, Ministry of Transport, London, within a period of six weeks from the date of the first publication of the notice of application, and shall, in the case of an objection, be accompanied by the prescribed fee. A copy of any objection or representation shall be sent by the person making such objection or representation to the applicant within the same period.

8. Within seven days after the first publication of the advertisement the applicant shall:—

(*a*) furnish the Minister with a copy of the advertisement and with two copies of the draft Order;

(*b*) where the Pilotage Authority of the Pilotage District in respect of which the application is made are not themselves the applicants, send to that Authority a copy of the advertisement and of the application;

(*c*) where the Transport and General Workers' Union are not themselves the applicants, send to that Union a copy of the advertisement and of the application;

(*d*) where the United Kingdom Pilots' Association are not themselves the applicants, send to that Association a copy of the advertisement and of the application;

(*e*) where the Chamber of Shipping of the United Kingdom are not themselves the applicants, send to that body a copy of the advertisement and of the application.

9.—(1) As soon as may be after the prescribed period for lodging objections or representations has expired, the applicant shall furnish the Minister with:—

(*a*) a copy of each of the newspapers in which the advertisement was published;

(*b*) a certificate that the requirements of Rule 8 have been complied with;

(*c*) a list of all objections or representations received by the applicant together with his observations upon each, and a certificate that paragraph (2) of this Rule has been complied with.

(2) Before the date on which the documents mentioned in paragraph (1) of this Rule are transmitted to the Minister, the applicant shall transmit by

registered post or by the recorded delivery service to each person from whom an objection or representation has been received a copy of his observations thereon.

10.—(1) As soon as may be after the receipt of the documents specified in the preceding Rule, the Minister shall enquire of each person who has made an objection to the application whether, after considering the osbervations made in reply thereto by the applicant, he intends to maintain his objection, and shall inform him that if he does so intend, he must within fourteen days notify his intention to the Minister, and at the same time transmit to the Minister the prescribed fee.

(2) If a person who has made an objection to the application does not, within the said fourteen days, notify the Minister of his intention to maintain the objection, and also transmit the prescribed fee, the objection shall (at the expiration of that period) be deemed to be withdrawn.

11. If, as a result of any objection or representation, the applicant agrees to a modification of the provisions proposed to be inserted in the Order, the Minister may, if in his opinion such modification is substantial, direct the applicant to publish a notice of the application as so modified in the manner provided in Rules 5 and 6. The applicant shall thereafter comply with Rules 8 and 9 in respect of the application as so modified.

12. As soon as may be after an Order has been made the Minister shall publish a notice thereof in the newspapers indicated in Rule 5.

13.—(1) The Minister may in the case of any application, objection or representation, require the person making the same to furnish such further information or documents as the Minister may think fit.

(2) The Minister may, subject to the provisions of the Act, dispense with any of the requirements of these Rules, either unconditionally or upon such conditions as he may think fit, if he is satisfied that there is reasonable cause for such dispensation and that no person will be prejudiced thereby.

14. The fees payable by applicants or objectors under these Rules shall be those specified in the Schedule to these Rules.

Given under the Official Seal of the Minister of Transport the 8th September 1964.

(L.S.)

B. E. Bellamy,
An Under Secretary of the Ministry of Transport.

SCHEDULE

(1) FEES PAYABLE BY AN APPLICANT.

(*a*) On the application for an Order	£5
(*b*) After the Order has been made and published by the Minister such sum not exceding £20 as the Minister may direct in each case.	

(2) FEES PAYABLE BY AN OBJECTOR.

(*a*) For every objection made	£2
(*b*) For every objection made of which notice to maintain the same is given under Rule 10	£5

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules re-enact with amendments the Pilotage Orders (Applications) Rules as amended. The principal changes are that an application for a Pilotage Order shall state the grounds on which it is based, and that the Minister may require re-publication of an application in modified form where, as a result of any objection or representation, the applicant has agreed to a substantial modification of the provisions proposed to be inserted in the Order.