STATUTORY INSTRUMENTS

1988 No. 2216

HARBOURS, DOCKS, PIERS AND FERRIES

The Statutory Harbour Undertakings (Pilotage Accounts) Regulations 1988

Made - - - -	*16th December 1988*
Laid before Parliament	*4th January 1989*
Coming into force	*25th January 1989*

The Secretary of State for Transport, in exercise of the powers conferred by section 42 of the Harbours Act 1964(**a**) and section 14 of the Pilotage Act 1987(**b**) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Statutory Harbour Undertakings (Pilotage Accounts) Regulations 1988 and shall come into force on 25th January 1989.

Interpretation

2. Expressions used in these Regulations which are also defined in either the Harbours Act 1964 or the Pilotage Act 1987 (hereinafter referred to as "the Act") shall have the same meaning as in those Acts.

Application

3.—(1) These Regulations apply to a statutory harbour undertaker which is a competent harbour authority except one which has made arrangements under section 11(2) of the Act for all its pilotage functions (other than its duty under section 2(1) of the Act) to be exercised on its behalf by another competent harbour authority; and its activities in relation to pilotage are hereby prescribed as associated activities for the purposes of section 42 of the Harbours Act 1964.

(2) Where a competent harbour authority is responsible for the provision of pilotage services in relation to more than one harbour (whether or not pursuant to an arrangement made under section 11(2) of the Act) these Regulations shall be taken as applying to it separately in relation to each harbour or group of harbours where the provision of pilotage services is limited to ships navigating in or in the approaches to that harbour or group of harbours.

(3) Where any pilotage activities are carried out on a competent harbour authority's behalf by any agent under an arrangement made pursuant to section 11(1) of the Act these Regulations shall apply to the competent harbour authority as if it were carrying out these activities.

(**a**) 1964 c.40; section 42 is amended by section 18, and paragraph 10 of Schedule 6 to, the Transport Act 1981 (c. 56) and by section 119 of, and paragraph 63 of Schedule 3 to, the Companies Act 1981 (c.62). (**b**) 1987 c. 21.

(4) Regulation 5 of the Statutory Harbour Undertakings (Accounts etc) Regulations 1983(a) shall not apply to the associated activities prescribed by these Regulations.

(5) The exemption in regulation 6 of the Statutory Harbour Undertakings (Accounts etc) Regulations 1983 shall not apply for the purposes of these Regulations.

Pilotage Accounts

4. In addition to complying with any requirements of the Companies Act 1985 as to the form and contents of accounts and reports applicable to it, in its statement of accounts a competent harbour authority shall:

(1) separately identify revenue from its charges in respect of

(a) pilotage services provided by it as authorised by section 10(1) of the Act; and

(b) use of a pilotage exemption certificate issued by it as authorised by section 10(3) of the Act; and

(2) set out the aggregate total of expenditure incurred in

(a) providing the services of a pilot;

(b) providing, maintaining and operating any pilot boats;

(c) meeting liabilities arising under Part III of the Act; and

(d) administration and any other costs not included in (a)–(c) above in respect of its pilotage functions.

Publication of Pilotage Accounts

5. Copies of any statement of accounts identifying the matters required under Regulation 4 above shall be available for inspection by the public at all reasonable hours at the registered office of the competent harbour authority, and the competent harbour authority shall make copies available for purchase by members of the public at a reasonable charge.

Transitional Provision

6. The first statement of pilotage accounts identifying the matters required under Regulation 4 above shall relate to the period between 1st October 1988 and a date no later than 1st April 1990.

Signed by authority of the
Secretary of State
16th December 1988

Michael Portillo
Minister of State,
Department of Transport

(a) S.I. 1983/931.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 42 of the Harbours Act 1964, as amended, specifies requirements as to accounts and reports relating to the activities of statutory harbour undertakings (as defined in the section) and enables Regulations to be made relating to their pilotage activities. Section 14 of the Pilotage Act 1987 enables Regulations to be made providing for the publication of these accounts. These Regulations make provision as to the information in relation to its pilotage activities to be included in a competent harbour authority's statement of accounts, and for the publication of that information.