STATUTORY INSTRUMENTS

1985 No. 831

MERCHANT SHIPPING

PILOTAGE

The Swansea and Port Talbot Pilotage Order 1985

Made - - - -	30*th May* 1985
Laid before Parliament	7*th June* 1985
Coming into Operation	1*st July* 1985

The Secretary of State for Transport, on the application of the Swansea Pilotage Authority (being a person interested in the pilotage of the Swansea Pilotage District) and in exercise of powers conferred by section 9 of the Pilotage Act 1983 (**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Swansea and Port Talbot Pilotage Order 1985 and shall come into operation on 1st July 1985.

2. The Orders listed in Schedule 2 hereto are hereby revoked.

3.—(1) There shall be established a Pilotage District which shall be called the Swansea and Port Talbot Pilotage District (hereinafter referred to as "the Pilotage District").

(2) The limits of the Pilotage District shall be the waters of the Bristol Channel bounded seawards by an imaginary straight line drawn from the Lighthouse at Hartland Point to the Southern Lighthouse on Lundy Island, and thence through Caldy Island Lighthouse to the mainland and landwards by an imaginary straight line drawn from Hurlstone Point to Nash Point but excluding all docks (but not any entrance basin or lock leading thereto): provided always that nothing in this article shall extend to authorise a pilot licensed for the Pilotage District to pilot a vessel which is not bound to or from Swansea or Port Talbot.

4.—(1) For vessels (unless of a size excepted by byelaws continued in force in accordance with Article 9(2)) bound to or from Swansea pilotage shall be compulsory within that part of the Pilotage District which is bounded to the seaward by the following lines namely:—

(a) a straight line drawn from Mumbles Lighthouse in a direction 090° true until it intersects the next mentioned line;

(b) the Meridian of 3° 54′ W.

(2) For vessels of over 1000 net registered tons (the previous exception limit in Article 4(2) of the Port Talbot Pilotage Order 1921 (**b**)) bound to or from Port Talbot pilotage shall be compulsory within that part of the Pilotage District which is bounded to the seaward by a straight line drawn from Mumbles Lighthouse to a point in position latitude 51° 26′.8N; longitude

(**a**) 1983 c.21.
(**b**) Confirmed by 1921 c.cxii; relevant amendment is S.I. 1976/1533.

03° 56'.0.W. marked approximately by the assigned position of Scarweather Lightship and thence to Porthcawl Lighthouse.

(3) Except as provided above, pilotage shall not be compulsory within the Pilotage District.

5.—(1) There shall be constituted for the Pilotage District a Pilotage Authority which shall be a body corporate with perpetual succession and a common seal by the name of the Swansea and Port Talbot Pilotage Authority (hereinafter referred to as "the Authority") and shall consist of members appointed and elected as follows:—

(a) five members appointed by the Associated British Ports;

(b) one member appointed by the Afan Borough Council and one member appointed by the Swansea City Council;

(c) three members appointed by the Swansea Chamber of Commerce and Shipping and two members appointed by the Cardiff and Bristol Channel Incorporated Shipowners' Association (hereinafter referred to as "shipowners' representatives") or if at any time one or both of those bodies shall in the opinion of the Secretary of State cease to be fairly representative of the Shipowners at the Ports of Swansea and Port Talbot, then by such body or bodies representing shipowners as shall be nominated for the purpose by the Secretary of State, provided that two only of such members appointed by the Swansea Chamber of Commerce and Shipping and one only of such members appointed by the Cardiff and Bristol Channel Incorporated Shipowners' Association shall be entitled to attend and take part and vote in the proceedings of the Authority at any one time;

(d) three members from among the five persons (hereinafter referred to as "pilots' representatives") elected in manner provided in Schedule 1 hereto by the pilots licensed for the Pilotage District from among licensed pilots.

(2) The members of the Authority shall be appointed and elected at the times and in the manner provided in Schedule 1 hereto.

6. The Chairman of the Authority shall be nominated by the Associated British Ports, from among the members appointed by them, and shall remain in office until the next triennial appointment and election of members has taken place. After the first triennial period, the Chairman of the Authority shall be elected by the Authority from among its members and shall hold office until the next triennial appointment and election of members has taken place.

7.—(1) The Chairman shall preside at every meeting of the Authority. If the Chairman is absent from any meeting, such other member as the members then present choose shall preside.

(2) Every question at a meeting of the Authority shall be decided by a majority of the votes of the members of the Authority present and voting on that question and in the case of equality of votes the person presiding at the meeting shall have a second or casting vote.

(3) The quorum of the Authority shall be five.

(4) Subject to the provisions of this Order the Authority may regulate their own procedure.

(5) No act or proceedings of the Authority shall be invalid on account of any vacancy in their body or on account of the appointment or election of any member having been defective.

8. Members of the Authority shall hold office from the date of their appointment or election until such time as their successors may be appointed or elected respectively, but shall be eligible for re-appointment or re-election.

9.—(1) Until all the members of the Authority have been appointed or elected under the provisions of this Order the existing members of the Swansea Pilotage Authority and Port Talbot Pilotage Authority shall be deemed to be members of the Authority as though they had been appointed or elected under the provisions of this Order.

(2) Until such time as new byelaws are made by the Authority and come into force for the Pilotage District, the byelaws made by the Swansea Pilotage Authority and the Port Talbot Pilotage Authority for their respective Pilotage Districts and in force immediately before the commencement of this Order shall continue in force as if they had been made by the Authority and be administered by the Authority and references in such byelaws to the Pilotage Authority by whom they were made shall be construed as references to the Authority.

10. All property (real or personal), rights, easements, obligations and choses in action which immediately before the commencement of this Order belonged to or were vested in or enjoyed by the Swansea and Port Talbot Pilotage Authorities or by any person in trust for them or on their behalf shall be and the same hereby are vested in the Authority to the same extent and for the same estate and interest as the same were immediately before the commencement of this Order vested in the Swansea and Port Talbot Pilotage Authorities or any person in trust for them or on their behalf and may be held, recovered, and enjoyed accordingly.

11.—(1) If at the date of the commencement of this Order any proceedings or cause of action is pending or existing by or against the Swansea or Port Talbot Pilotage Authorities the same shall not abate, discontinue or be in any way prejudicially affected by reason of anything in this Order but the proceeding or cause of action may be continued, prosecuted and enforced by or against the Authority as it might have been by or against the Swansea or Port Talbot Pilotage Authorities if this Order had not been made but not further or otherwise.

(2) All contracts, deeds, bonds, agreements and other instruments subsisting immediately before the commencement of this Order and affecting the Swansea and Port Talbot Pilotage Authorities shall be of as full force and effect against or in favour of the Authority and may be enforced as fully and effectively as if instead of the Swansea and Port Talbot Pilotage Authorities the Authority had been party thereto.

(3) All pilots' licences and pilotage certificates granted by the Swansea and Port Talbot Pilotage Authorities prior to the commencement of this Order shall have the same force and validity as if they had been granted by the Authority.

12. The Authority may from time to time if they think fit purchase, own, hire and build, equip, maintain, work and enter into agreements or arrangements with any person for the supply, use, maintenance and working of such boats or vessels as in the opinion of the Authority may be required for the efficient working of the pilotage service and may at their discretion sell,

exchange, loan or hire to other persons any such boats or vessels if this should be to the benefit of the pilotage service, and may borrow upon such terms and for such periods as the Authority may deem necessary any sum or sums which may be required for the purposes of this section. If the majority of the pilots concerned object to the Authority exercising these powers or if a difference arises between the Authority and the pilots as to the conditions on which these powers should be exercised the matter shall be referred to the Secretary of State whose decision shall be final.

13. When in any part of the Pilotage District in which concurrent jurisdiction is exercised by the Authority and any other Pilotage Authority or Authorities a ship bound for the ports of Swansea or Port Talbot is under the pilotage of a pilot licensed by any such other Authority that pilot shall be superseded by a pilot licensed by the Authority on his offering his services and the pilotage rates payable shall be divided between the two pilots in such proportion as may in the case of dispute be determined by the Authority.

14. The Authority may at any time agree with any other Pilotage Authority having jurisdiction in the Bristol Channel to provide for a joint pilotage service for their respective districts in lieu of a separate pilotage service for each of such districts and thereupon such Authorities shall appoint some of their members to act as a joint committee to consist of such numbers of persons and to exercise such of the powers exercisable by such Authorities and generally to act in such manner as such Authorities shall from time to time direct and upon such terms and conditions as may be agreed upon between such Authorities. If the majority of the pilots concerned object to the Authority exercising these powers or if a difference arises between the Authority and the pilots as to the conditions on which these powers should be exercised the matter shall be referred to the Secretary of State whose decision shall be final.

Nicholas Ridley,
Secretary of State for Transport.

30th May 1985.

SCHEDULE 1

Article 5(2)

The following provisions shall have effect with respect to the appointment and election of the Authority:

1. The appointed members shall be appointed by the various bodies authorised to do so within one month of this Order coming into force and thereafter triennially.

2.—(1) The pilots' representatives shall be elected by the licensed pilots within one month of this Order coming into force and thereafter triennially.

(2) For the purpose of electing the pilots' representatives the Secretary to the Authority shall send out by registered letter to all the licensed pilots a circular announcing an election and enclosing a list of persons qualified under this Order to be pilots' representatives, a voting card and a stamped envelope addressed to himself in which the card when filled in is to be returned within twenty-one days of the issue of the circular.

(3) Every licensed pilot shall be entitled to vote for five persons whose names are on the said list but may not give more than one vote for any one person.

(4) At the expiration of twenty-one days from the issue of the said circular the said secretary shall examine the voting cards returned to him and shall prepare a list in order of the five persons who have received the greatest number of votes (any uncertainty by reason of two or more persons having received an equal number of votes, being decided in favour of the licensed pilot or pilots having the longest service) and such persons shall thereupon be the pilots' representatives. This list shall be posted up in the pilots' office.

(5) The first three pilots' representatives on the list referred to in the preceding sub-paragraph shall be members of the Authority but in the event of one or more of these being unable to attend any meeting of the Authority one or both as the case may be of the other two pilots' representatives may according to the order in which their names appear on the list, attend, take part in the proceedings and vote in his or their stead.

3. The costs, charges and expenses of, and preliminary and incidental to, the election of pilots' representatives shall be paid by the Authority out of the pilot fund.

4. In the event of any vacancy among the appointed or elected members of the Authority arising otherwise than by effluxion of time the vacancy shall be filled as soon as may be thereafter in the manner prescribed for the triennial appointment or election but any person so appointed or elected shall hold office only until the next triennial appointment or election.

SCHEDULE 2

Article 2

REVOCATIONS

Column 1	Column 2
Orders revoked	References
The Port Talbot Pilotage Order 1921	Confirmed by 1921 c.cxii.
The Swansea Pilotage Order 1921	Confirmed by 1921 c.cxii.
The Swansea Pilotage Order 1923	S.R. & O. 1923/714.
The Port Talbot Pilotage (Amendment) Order 1924	S.R. & O. 1924/808.
The Port Talbot Pilotage (Amendment) Order 1958	S.I. 1958/2062.
The Swansea Pilotage (Amendment) Order 1958	S.I. 1958/2063.
The Port Talbot Pilotage (Amendment) Order 1976	S.I. 1976/1533.
The Swansea Pilotage (Amendment) Order 1980	S.I. 1980/903.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order creates a single Pilotage Authority in place of the Swansea and Port Talbot Pilotage Authorities constituted by the Swansea and Port Talbot Pilotage Orders 1921. Pilotage in the new District is compulsory in the same

parts, and for the same size of vessel as it was in the two previous districts (Article 4). All existing byelaws, pilots' licences and pilotage certificates continue in force (Articles 9(2) and 11(3).)

This Order is made in consequence of an application by the Swansea Pilotage Authority. The only objection to the application made in accordance with the Pilotage Orders (Applications) Regulations 1980 (S.I. 1980/1163) was withdrawn.

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