



Marine Navigation Act 2013

2013 CHAPTER 23

An Act to make provision in relation to marine navigation and harbours. [25th April 2013]

BE IT 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:—

Pilotage

1 Power to remove harbour authorities' pilotage functions

(1) In section 1 of the Pilotage Act 1987 (meaning of “competent harbour authority”) after subsection (4) insert—

“(4A) A harbour authority in England or Wales is not a competent harbour authority for the purposes of this Act while it is specified in an order of the Secretary of State under this subsection.

(4B) A harbour authority in Scotland is not a competent harbour authority for the purposes of this Act while it is specified in an order of the Scottish Ministers under this subsection.”

(2) For subsection (5) of that section (power to revoke or amend where circumstances change) substitute—

“(5) An order under this section may be amended or revoked by further order.”

(3) In subsection (7) of that section (procedure for certain orders) for “this section” substitute “subsection (3) or (4)”.

(4) After subsection (8) of that section insert—

“(8AA) Before making an order under subsection (4A) or (4B) the person making the order must consult—

Changes to legislation: There are currently no known outstanding effects for the Marine Navigation Act 2013. (See end of Document for details)

- (a) any harbour authority to which the order would apply, and
- (b) anyone else who the person making the order thinks appropriate.

(8B) An order under this section may include transitional, consequential, incidental or supplemental provision.”

- (5) In section 1A(1) (procedure for certain orders: Scotland) after “other than subsection (4)” insert “or (4B)”.

Commencement Information

- I1** [S. 1](#) in force at 1.10.2013 except in relation to S. by [S.I. 2013/1489](#), [art. 3](#)
- I2** [S. 1](#) in force at 1.10.2013 for S. by [S.S.I. 2013/254](#), [art. 2](#)

2 Pilotage exemption certificates: grant

- (1) In section 8(1) of the Pilotage Act 1987 (grant)—
- (a) for “the master or first mate” substitute “a deck officer”, and
 - (b) in paragraph (a) for “master or first mate” substitute “a deck officer”.
- (2) In section 8(5)(a) (renewal) for “the master or first mate of a ship” substitute “a deck officer of a ship”.
- (3) In sections 10(3), 15(1)(b) and 20(1)(a) (pilotage charges, compulsory pilotage and boarding facilities for pilots) for “master or first mate” substitute “deck officer”.
- (4) In section 31(1) (interpretation) at the appropriate place insert—
- ““deck officer”, in relation to a ship, includes the master and first mate;”.

Commencement Information

- I3** [S. 2](#) in force at 1.10.2013 except in relation to S. by [S.I. 2013/1489](#), [art. 3](#)
- I4** [S. 2](#) in force at 1.10.2013 for S. by [S.S.I. 2013/254](#), [art. 2](#)

3 Pilotage exemption certificates: suspension and revocation

- (1) After section 8 of the Pilotage Act 1987 insert—

“8A Pilotage exemption certificates: suspension and revocation

- (1) A competent harbour authority may by written notice suspend or revoke a person's pilotage exemption certificate in the following cases.
- (2) Case 1 is where an event has occurred as a result of which the authority is no longer satisfied of the matters specified in section 8(1)(a).
- (3) Case 2 is where the authority thinks that the person has provided false information to the authority as to any of those matters.
- (4) Case 3 is where the authority thinks that the person has been guilty of professional misconduct while piloting a ship.

Changes to legislation: There are currently no known outstanding effects for the Marine Navigation Act 2013. (See end of Document for details)

(5) Case 4 is where—

- (a) pilotage notification was given under section 15(4)(b) in reliance on the person's certificate, and
- (b) in the event, the pilotage was carried out by a person who was neither an authorised pilot nor acting in accordance with a pilotage exemption certificate.

8B Section 8A: supplementary

- (1) The maximum period for which a pilotage exemption certificate may be suspended is 28 days.
 - (2) But if a harbour authority has suspended a person's certificate and is considering whether to revoke it, the authority may by written notice extend the suspension for a single period of up to 28 days.
 - (3) A suspended certificate may be revoked (on the same or different grounds).
 - (4) Before revoking a person's certificate a harbour authority must—
 - (a) give the person written warning, stating the reasons for the proposed revocation, and
 - (b) allow the person a reasonable opportunity to make representations.
 - (5) A competent harbour authority which has suspended or revoked a certificate may pay compensation to any person who has suffered, or is likely to suffer, loss as a result.”
- (2) In section 8—
- (a) omit subsection (6) (revocation and suspension of certificates), and
 - (b) in subsection (7) (notice) omit “or suspending or revoking a certificate held by any person”.

Commencement Information

I5 [S. 3](#) in force at 1.10.2013 for S. by [S.S.I. 2013/254](#), [art. 2](#)

I6 [S. 3](#) in force at 1.10.2013 except in relation to S. by [S.I. 2013/1489](#), [art. 3](#)

4 Pilotage notification

For section 15(3) of the Pilotage Act 1987 (notification by master navigating ship) substitute—

“(3) The master of a ship commits an offence if—

- (a) the ship is navigated in an area in which a pilotage direction applies to it, and
- (b) the competent harbour authority which gave the direction has not been given pilotage notification.

(4) Pilotage notification is notification that the ship will be navigated in an area in which a pilotage direction will apply to it and—

- (a) that an authorised pilot is required to pilot the ship, or

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- (b) that an authorised pilot is not required because the ship will be piloted by a specified person acting in accordance with a pilotage exemption certificate.

- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.”

Commencement Information

- I7** S. 4 in force at 1.10.2013 for S. by [S.S.I. 2013/254, art. 2](#)
I8 S. 4 in force at 1.10.2013 except in relation to S. by [S.I. 2013/1489, art. 3](#)

Harbour authorities

5 Harbour directions

- (1) After section 40 of the Harbours Act 1964 insert—

“Harbour directions

40A Directions

- (1) A designated harbour authority may give directions (“harbour directions”) in respect of ships—
 - (a) within their harbour, or
 - (b) entering or leaving their harbour.
- (2) A harbour direction may relate to—
 - (a) the movement of ships;
 - (b) mooring or unmooring;
 - (c) equipment (including nature and use);
 - (d) the manning of ships.
- (3) A harbour direction may require the master of a ship to provide information to a specified person in a specified manner.
- (4) “Designated harbour authority” means—
 - (a) a harbour authority for a fishery harbour in Wales who are designated by order of the Welsh Ministers,
 - (b) a harbour authority for any other harbour in England or Wales who are designated by order of the Secretary of State, and
 - (c) a harbour authority for a harbour in Scotland who are designated by order of the Scottish Ministers.
- (5) A harbour direction is subject to any direction under section 52 of the Harbours, Docks and Piers Clauses Act 1847 (directions by harbour master).
- (6) A harbour authority may not give a harbour direction which conflicts with an enactment.

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- (7) An order designating a harbour authority may amend or repeal any statutory provision of local application which the person making the order thinks is—
- (a) inconsistent with the power to give harbour directions, or
 - (b) unnecessary as a result of the power.

40B Procedure

- (1) Harbour directions must be in writing.
- (2) Before giving harbour directions a harbour authority must consult such representatives of users of the harbour as the authority think appropriate.
- (3) A harbour authority must make such arrangements as they think appropriate for publicising a proposed harbour direction for at least 28 days before it is given.
- (4) A harbour authority must—
 - (a) make harbour directions available for inspection, and
 - (b) supply a copy to anyone who requests it.
- (5) A harbour authority may charge for the supply of copies.
- (6) As soon as is reasonably practicable after giving a harbour direction the harbour authority must publish a notice in a newspaper specialising in shipping news—
 - (a) stating that a harbour direction has been given, and
 - (b) giving details of the arrangements for the inspection and supply of copies of harbour directions.

40C Enforcement

- (1) The master of a ship must ensure that harbour directions are complied with.
- (2) Breach of subsection (1) without reasonable excuse is an offence.
- (3) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

40D Supplemental

- (1) Harbour directions—
 - (a) may make provision that applies generally or only in relation to specified circumstances, areas, periods or descriptions of ship, and
 - (b) may make different provision for different circumstances, areas, periods or descriptions of ship.
- (2) Harbour directions may be varied or revoked by subsequent harbour directions.
- (3) In section 40A—
 - “mooring” includes casting anchor, and
 - “unmooring” includes weighing anchor.”