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THE HEYSHAM HARBOUR BYELAWS 1979

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# The Heysham Harbour Byelaws 1979

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# The Heysham Harbour Byelaws 1979

Sealink U.K. Limited (a wholly-owned subsidiary of the British Railways Board) by virtue of the British Rail Shipping and Harbours Scheme 1979 and in exercise of their powers contained in section 83 of the Harbours Docks and Piers Clauses Act 1847 (as applied by the British Railways (No. 2) Act 1975) and section 18 of the said Act of 1975 and all other powers them enabling hereby make the following byelaws.

## PART I

### PRELIMINARY

1. These byelaws, which may be cited as The Heysham Harbour Byelaws 1979, shall come into operation on the expiration of twenty-eight days after their confirmation by the Secretary of State and shall apply to the Harbour (as defined in byelaw 4 below). Citation, commencement and extent.
2. These byelaws are divided into seven Parts as follows:— Division of byelaws into Parts.
  - Part I — Preliminary.
  - Part II — Navigation.
  - Part III — Berthing and Mooring.
  - 10 Part IV — Loading and Unloading.
  - Part V — Vehicles and Animals.
  - Part VI — Prevention of Fire.
  - Part VII— General.
3. Upon the coming into force of these byelaws any byelaws previously made under section 83 of the said Act of 1847 in respect of the Harbour (in so far as the same may still be in force) shall be and the same are hereby revoked without prejudice however to the validity of anything done thereunder or to any liability incurred in respect of any act or omission before the date of coming into force of these byelaws. Repeal.

PART I  
—cont.  
Interpretation.

4.—(1) In these byelaws unless the context otherwise requires the following words or expressions have the meanings hereby respectively assigned to them:—

- “ appropriate traffic signs ” means any object or device (whether fixed or portable) of the size, colour and type specified in regulations made by the Secretaries of State acting jointly in pursuance of their powers contained in section 54 of the Road Traffic Regulation Act 1967 for conveying to traffic on roads the appropriate requirements, restrictions or prohibitions and erected in conformity with and subject to any General Directions given to highway authorities by the Secretaries of State acting jointly, or such other Directions as may be given by the Secretary of State; 5 10
- “ authorised person ” means any officer, employee or agent of the company acting in the execution of his duty in or in connection with the Harbour;
- “ the Collision Regulations ” has the meaning assigned to that expression by section 418 of the Merchant Shipping Act 1894;
- “ the company ” means Sealink U.K. Limited; 15
- “ constable ” means any constable acting in the execution of his duty in or in connection with the Harbour;
- “ dangerous goods ” means any of the classes of goods specified in rule 2 (2) of the Merchant Shipping (Dangerous Goods) Rules 1965;
- “ the entrance channel ” means that part of the buoyed channel leading to the entrance to the Harbour as lies within the harbour limits; 20
- “ foreign-going ship ” has the meaning assigned to that expression by section 742 of the Merchant Shipping Act 1894;
- “ goods ” includes fish, livestock and animals of all descriptions;
- “ the Harbour ” means the company’s harbour at Heysham as authorised by section 4 of the Midland Railway Act 1896 and includes all docks, quays, wharves, jetties, piers, roads, lands, buildings, machinery, apparatus, works and conveniences now or hereafter forming part thereof or held or used by the company in connection therewith;
- “ the harbour limits ” means and includes the harbour limits as defined in section 46 of the North Western Railway Act 1852 namely so much and such part of the bay or estuary called Morecambe Bay as lies between the north side of a straight line drawn from Sunderland Point to Walney Lighthouse and the east side of a straight line drawn from Rossal Point to Cowper Point at the south-western extremity of the promontory of Cartmel excepting such parts of Morecambe harbour and the foreshore at Morecambe as are the property of Lancaster City Council as successors to the Mayor, Aldermen and Burgesses of the Borough of Morecambe and Heysham; 30 35
- “ harbour master ” means the harbour master of the Harbour for the time being appointed by the company and includes his authorised deputies and assistants and any person authorised by the company to act in that capacity; 40
- “ harbour road ” means any road, quay, wharf, jetty, pier, work or land (excluding land let or leased to parties other than the company) which is situate within the Harbour (not being a road as defined by section 196 of the Road Traffic Act 1972); 45
- “ infectious disease ” has the meaning assigned to that expression by the Public Health (Ships) Regulations 1970;

- “ master ” when used in relation to any vessel means any person lawfully or wrongfully having or taking the command, charge or management of the vessel for the time being;
- 5 “ owner ” when used with reference to any vessel includes the owner, agent or charterer of the vessel and where used with reference to goods includes the owner, agent, consignor, consignee, shipper or other person in charge of the goods and their respective agents in relation thereto;
- “ power driven vessel ” means any vessel propelled by machinery;
- “ prolonged blast ” means a blast of from four to six seconds’ duration;
- 10 “ rubbish ” includes ballast, ashes, filth, cinders, chalk and other waste materials and substances;
- “ the Secretary of State ” means the Secretary of State for Transport;
- “ the Secretaries of State ” means the Secretary of State, the Secretary of State for Wales and the Secretary of State for Scotland;
- 15 “ small vessel ” means any vessel the overall length of which does not exceed 75 feet (22.8 metres) and the draught of which does not exceed 8 feet (2.44 metres);
- “ vehicle ” means and includes every kind of vehicle (and, where the context so admits, includes hovercraft within the meaning of the Hovercraft Act 1968) and every means of conveyance on wheels however propelled or drawn for carrying any person or thing but does not include railway locomotives or railway rolling stock of any description;
- 20 “ vessel ” means every description of vessel however propelled or moved, including hovercraft within the meaning of the Hovercraft Act 1968, a hydrofoil vessel and anything constructed or used to carry persons or goods by water and for the purposes of byelaw 16 an aircraft of any description (whether designed to manoeuvre on water or not);
- 25 “ whistle ” means any sound signalling appliance capable of producing a prolonged blast and which complies with the specifications of the Collision Regulations.
- 30

(2) Any reference in these byelaws to any enactment, Order in Council or other statutory instrument shall be construed as a reference to that enactment, Order in Council or statutory instrument as applied, extended, amended, varied or replaced by, or by virtue of, any subsequent enactment, Order in Council or other statutory instrument.

35 (3) The Interpretation Act 1978 shall apply to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

PART II

NAVIGATION

- 5. The master of a foreign-going ship or any other vessel (other than a small vessel) shall not cause or permit his vessel—
- 40 (a) to enter the Harbour unless he has notified the harbour master of its entry into the harbour limits and has obtained the permission of the harbour master for the vessel to enter the Harbour; or
- (b) to leave, or to manoeuvre within, the Harbour unless he has obtained the permission of the harbour master so to do.
- 45

Vessels to report before entry into Harbour

- PART II**  
*—cont.*
- Vessel to be carefully navigated.
6. The master shall navigate his vessel with care and caution and so as not to cause obstruction, injury or damage to any other vessel or property within the Harbour or the harbour limits or inconvenience to any dredger, tug, lighter, or other craft working within the Harbour or the harbour limits.
- Prohibited anchorage.
7. The master shall not cause or permit his vessel to be anchored in the entrance channel unless the circumstances are such as to render it unavoidable in which case the earliest opportunity shall be taken to move the vessel clear of the entrance channel. While so anchored in the entrance channel vessels shall exhibit the lights or shapes prescribed in the Collision Regulations for a vessel at anchor. 5
- Speed of vessels within Harbour.
8. The master of a vessel shall not cause or permit his vessel to enter, pass through or manoeuvre within the Harbour or the harbour limits at a higher rate of speed than is necessary to keep her under proper control. 10
- Vessels not to be made fast to navigation buoys.
9. The master of a vessel shall not cause or permit his vessel to be made fast to, or to lie at, any navigational marks, whether buoys or beacons, in the Harbour or the harbour limits. 15
- Precautions during bad weather.
10. During gales of wind, the master of a vessel in the Harbour or the harbour limits shall take proper precautions to secure the vessel and ease her at her anchors by letting go a second anchor (if the vessel carries a second anchor) and veering to a proper scope of cable.
- Disabled vessels.
11. The master of a vessel disabled from loss of sails, power, anchors, cables or otherwise shall not cause or permit his vessel to enter the entrance channel or the Harbour except for the purpose of effecting necessary repairs and with the prior permission of the harbour master, but the prohibition in this byelaw shall not apply if such permission cannot reasonably be obtained due to stress of weather and the master reports its entry to the harbour master as soon as possible thereafter. 20 25
- Vessel in danger of sinking.
- 12.—(1) The master of a vessel which is in danger of sinking from any cause shall not enter the Harbour or the entrance channel or, without reasonable excuse, remain within the Harbour or the entrance channel.
- (2) If it is necessary in all the circumstances to bring such a vessel within the harbour limits, the master of the vessel shall, whenever practicable, inform the harbour master of its condition before entering the harbour limits or, where it is not practicable to give prior warning, as soon as possible after entering the harbour limits. 30
- Removal of vessels.
13. Any vessel or small vessel in the Harbour or harbour limits which—
- (a) is causing an obstruction; or
  - (b) is on fire; or
  - (c) has sunk or capsized; or
  - (d) is in danger of sinking or capsizing;
- 35
- may be removed by or under the direction of the company and the cost thereof shall be recoverable by the company from the master or owner as a civil debt.
- Signal to be displayed by vessels fitted with bow rudder when navigated stern foremost.
14. The master of a vessel fitted with a bow rudder which is being navigated stern foremost within the Harbour or harbour limits shall display the following signal:—
- Two balls, each two feet (0.61 metres) in diameter carried at the ends of a horizontal jackyard on the mast. The jackyard should be placed in a thwartship
- 40



direction, at least six feet (1·83 metres) higher than the funnel top, and should project at least four feet (1·22 metres) on either side of the mast so that the distance between the centres of the two balls shall be at least eight feet (2·44 metres).

PART II  
—cont.

5 The master of a vessel exhibiting the aforesaid signal within the Harbour or harbour limits shall follow and obey the Collision Regulations as if such vessel were being navigated bow foremost and for this purpose the starboard side shall be regarded as the port side and vice versa.

10 15. The master of a power driven vessel leaving a dock, wharf or jetty shall signal this movement by sounding a prolonged blast on her whistle except that in the case of a vessel under tow or about to be towed, the master of the tug in attendance shall make the foregoing signal.

Power driven vessels leaving dock, wharf or jetty to give prolonged blast.

15 16. The master of a vessel which has sunk or grounded within the harbour limits shall forthwith give to the harbour master notice thereof, together with the position of such vessel and such particulars as he may require for ensuring safe navigation and use of the Harbour. The master of a vessel which is attached to another vessel for the purpose of towing or manoeuvring the same shall give the notice required by this byelaw in the event of such other vessel sinking or grounding through accident or other cause.

Notice to be given of position of vessel sunk in harbour limits.

20 17. No person under the age of twelve years shall be in charge of, and no person shall cause or permit such a person to be in charge of, a vessel navigating within the Harbour or the entrance channel.

Use of vessel by persons under 12 years of age.

25 18. The master of a vessel shall forthwith report to the harbour master any collision within the Harbour or harbour limits in which the said vessel is involved and in which injury or damage shall have been caused to any other vessel or property including any navigation mark, buoy or mooring buoy or to any person.

Collisions and damage to be reported.

### PART III

#### BERTHING AND MOORING

30 19. The master of a vessel shall provide proper fenders for such vessel and, when berthing, leaving or lying at a quay, wharf, jetty or landing place or against other vessels, shall fend off or cause such vessel to be fended off from such quay, wharf, jetty or landing place or other vessels so as to prevent damage being occasioned thereto.

Provision of proper fenders.

20. The master of a vessel shall at all times ensure that it is kept properly and effectively moored when at any public or private mooring place or at any public or private quay, wharf, jetty or landing place in the Harbour.

Vessels to be properly moored.

35 21. The master of a vessel shall not cause or permit the anchor to be put down from the vessel, whether at moorings or in any other place in the Harbour or the harbour limits, except—

No anchor to be put down except in emergency, etc.

(a) in recognised anchorages;

(b) in case of emergency;

40 (c) for the purpose of swinging; or

(d) with the previous sanction of the harbour master.

Where the anchor is put down in a case of emergency the master shall cause it to be taken up as soon as practicable. The master of a vessel which has slipped, parted from or lost

PART III  
—cont.

any anchor, chain or cable within the Harbour or the harbour limits shall forthwith give notice thereof to the harbour master and of the position of such anchor, chain or cable and if the harbour master so directs in writing shall cause such anchor, chain or cable to be recovered as soon as practicable.

Access to and egress from vessels.

22. The master of a vessel while berthed alongside a quay, wharf, jetty or landing place shall maintain an adequate gangway properly secured for the safe access and egress of all persons having lawful business on such a vessel and shall during the hours of darkness provide two sufficient lights one light to be fixed at the vessel end of the gangway and the other light to be fixed at the other end of the gangway. 5

Attendance on board.

23. Except by permission of the harbour master the master of any vessel which normally trades to sea shall ensure that a responsible person who is competent to shift or move the vessel and attend to the moorings of the vessel as the harbour master directs or as may be necessary remains on board throughout the period that a vessel is afloat in the Harbour. Such person shall carefully attend to the moorings of the vessel and to the sufficiency thereof and shall cause them to be slackened or hove in from time to time as may be necessary on the rise and fall of the water to prevent damage being done to that or to any other vessel or property within the Harbour. 15

Laying down moorings.

24. No person shall lay down any moorings, buoys or other tackle within the Harbour or the harbour limits for the purpose of establishing a mooring, without the written consent of the harbour master. 20

Such consent may be subject to such reasonable conditions as the harbour master in his discretion thinks fit.

In default or if any person to whom consent shall have been given shall fail to comply with any of the conditions of such consent or with any direction of the harbour master given thereunder, the harbour master may remove or cause to be removed the said moorings, buoys or tackle. 25

No power driven vessel to have engines in motion except for purposes of navigation.

25.—(1) The master of a power driven vessel shall not work her engines in such a manner as to cause injury or damage to the bed of the Harbour.

(2) Except for the purpose of navigating to or from a berth, the master of a power driven vessel shall not, without the written authority of the harbour master, carry out engine trials within the Harbour by turning her propeller or paddle when the vessel is attached to any post, dolphin, jetty or landing place.

Vessels, etc., not to be improperly made fast to posts, etc.

26. No person shall make fast a vessel by any rope, chain or tackle to any post, jetty, quay, ring, fender or other thing or place in the Harbour not assigned for the purpose. 35

Small vessels using Harbour.

27. The master of a small vessel shall not moor within the Harbour or harbour limits except at places approved by the harbour master.

## PART IV

## LOADING AND UNLOADING

Obedience to harbour master's instructions.

28. The masters and owners of vessels in the Harbour and the owners of goods shall obey all the orders and directions of the harbour master for regulating the loading and unloading of goods in the Harbour. 40

29. The master and owner of every vessel and the owner of any goods comprised in any cargo of such vessel shall use or cause to be used proper means to the satisfaction of the harbour master for the prevention of any parts of any cargo, ballast or any other material from falling into the Harbour and such master and owner, if so instructed by the harbour master, shall not commence to discharge or take in any cargo or ballast or other material before the harbour master has satisfied himself that such means have been or will be used.

PART IV  
—cont.  
Prevention  
of goods  
falling into  
Harbour.

30. No nuclear fuel or other radioactive material or substance other than the very small quantities which are exempt under the International Atomic Energy Authority Regulations for the Safe Transport of Radio-Active Materials shall be brought into the Harbour or harbour limits unless the owner thereof, and in the case of such fuel, material or substance being in any vessel, the master of such vessel, has first notified Lancaster City Council and the harbour master and complied with all the requirements of the harbour master for regulating the safety of persons or property within the Harbour and harbour limits.

Radioactive  
cargoes.

Notification as aforesaid shall be given in writing to the harbour master not later than one calendar month prior to the date of entry into the Harbour or the harbour limits of the said material or substance.

PART V

20

VEHICLES AND ANIMALS

31.—(1) No driver, conductor or person in charge of any vehicle within the Harbour shall leave or place any such vehicle (unless necessary to do so because of mechanical break-down or other emergency)—

Prevention  
of obstruction  
by vehicles.

(i) at or upon any docks, quays, wharves, jetties, piers or roads except where the vehicle is engaged in the business of the loading, unloading or carriage of goods but then only in accordance with the following provisions of this byelaw;

(ii) in any manner or place so as to cause obstruction or hindrance to the company or other person using the Harbour;

(iii) in contravention of any reasonable direction of the harbour master or any constable or authorised person;

(iv) where waiting or parking is prohibited; or

(v) unattended except in an authorised parking space or other place expressly authorised by the company.

(2) No person in charge of any animal within the Harbour shall leave or place any animal unattended in any vehicle (unless expressly so authorised by the company or the harbour master).

(3) Any vehicle or animal left or placed in breach of paragraph (1) or (2) of this byelaw may be removed by or under the direction of the harbour master or any constable and the cost thereof shall be paid to the company by the said driver, conductor or person in charge of the vehicle or animal without prejudice to any penalty incurred by the contravention of this byelaw.

32. Every person who shall use or cause or permit to be used any vehicle within the Harbour shall cause such vehicle to be lighted and kept lighted with the same lamps and in the same manner as if the vehicle were on a public highway.

Lights on  
vehicles

PART V  
—cont.Loads on  
vehicles.

33. The driver of a vehicle or trailer within the Harbour shall at all times ensure that it is so secured or in such a position that danger is not likely to be caused to any person by reason of the load or any part thereof falling from the vehicle or by reason of any other movement of the load or any part thereof in relation to the vehicle.

Duty to  
comply with  
traffic signs.

34. All persons in charge of vehicles within the Harbour shall comply with such requirements, restrictions or prohibitions of the description specified in regulations made from time to time by the Secretaries of State for such traffic signs as are erected on any harbour road which—

- (a) require vehicles to proceed in a specified direction;
- (b) prohibit vehicles from proceeding in a specified direction; 10
- (c) prohibit or restrict the waiting or parking of vehicles;
- (d) prohibit cycling; or
- (e) prohibit the driving of vehicles or classes of vehicles on roads or parts of roads:

Provided that no person shall be guilty of an offence and subject to any penalty under 15 this byelaw unless appropriate traffic signs have been provided on such harbour road.

Hackney  
carriages,  
cabs, taxis,  
etc.

35. No driver of a hackney carriage, cab, taxi, hire car or other vehicle shall cause his vehicle to stand or ply for hire within the Harbour except with the permission of the company and in accordance with the reasonable terms thereof.

Removal of  
railway  
engines and  
rolling  
stock.

36. No unauthorised person shall move a railway engine, truck, wagon, van, carriage 20 or trolley on any of the railway lines or cargo and passenger appliances in or on any part of the Harbour.

Inspection  
of vehicles.

37. The person in charge of a vehicle shall before entering or leaving the Harbour stop the vehicle at the gate for inspection by any constable or authorised person to ensure that the persons therein have lawful business at or in the Harbour and that the vehicle 25 and its contents are authorised to be brought into or removed from the Harbour.

Dangerous  
animals.

38. No person shall permit any dangerous or offensive animal to enter or remain on the property of the company in the Harbour. No person shall place, leave, throw or deposit any animal, or the carcase of any animal, in the Harbour.

Control of  
animals.

39. Every person having any dog or other animal in any premises or on any road 30 within the Harbour shall keep the same at all times properly controlled.

Fouling of  
footways, etc.

40. No person shall permit or suffer his dog to foul any footway, gangway, passage, or other way within the Harbour which is used by or set aside for the convenience of pedestrians.

## PART VI

35

## PREVENTION OF FIRE

No smoking  
or fires.

41. No person shall smoke or carry a lighted pipe, cigar or cigarette within the Harbour or the harbour limits—

- (a) where smoking is expressly prohibited by the company by a notice exhibited in a conspicuous position in such part of the Harbour or the harbour limits; 40

- (b) if requested by the harbour master or any constable or authorised person not to do so in or upon any part of the Harbour or harbour limits where smoking or carrying a lighted pipe, cigar or cigarette may in their opinion be dangerous;
- 5 (c) near to or amongst any goods in or on any of the docks, quays, wharves, jetties, piers or buildings within the Harbour.
42. No person within the Harbour or the harbour limits shall without the written permission of the harbour master heat any pitch, tallow, tar, or any other substance or inflammable matter, or have or allow any fire, naked light or flame in any place other than  
10 for the immediate ignition of any authorised fire, light or flame or, subject to byelaw 39, for the purpose of smoking. Heating pitch, etc.
43. No person shall burn or heat any inflammable matter or have or permit any fire or light on any vessel in the Harbour— No dangerous fires on vessels.
- (a) in such manner as to cause danger of fire; or
- 15 (b) without due precautions to prevent danger of fire on or to such vessel or elsewhere.
44. Whilst any light or fire shall be used on board any vessel at or alongside any dock, quay, wharf, jetty or pier, the master of such vessel shall provide and keep at least one person continually on board, who shall be specially charged with the care of  
20 such lights or fire. Watchmen for lights or fires on vessels.
45. In the event of an outbreak of fire on board any vessel within the Harbour, the person in charge of such vessel shall inform the harbour master as soon as possible of such outbreak. Notification of fires.
- PART VII
- GENERAL
- 25
46. The master of every vessel in the Harbour or harbour limits shall permit the harbour master or any constable or authorised person to board such vessel at such time or times as he may desire for the purpose of inspecting such vessel and any goods therein and shall not intentionally obstruct or permit the harbour master or any constable or  
30 authorised person to be obstructed whilst on board such vessel. Boarding of vessels.
47. The master of a sea-going vessel in the Harbour or harbour limits when not lying aground shall cause it to be kept at all times so loaded or ballasted or in such condition as to be capable of being safely moved. Vessels to be kept in moveable condition.
48. A person shall not navigate or have charge of any vessel within the Harbour or  
35 harbour limits whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel. Navigation under influence of drink or drugs.
- 49.—(1) No person shall deposit rubbish in such a manner or place that it can drift or fall into the Harbour, nor shall any person use as a fender on any vessel in the Harbour any object that will not float on the surface of the water. Refuse, etc., in Harbour.
- 40 (2) No person shall throw, deposit or cause to be deposited any litter or rubbish in any place in the Harbour except into receptacles provided for that purpose or in such other places as the harbour master may approve.

PART VI  
—cont.

Heating  
pitch, etc.

No dangerous  
fires on  
vessels.

Watchmen for  
lights or  
fires on  
vessels.

Notification  
of fires.

PART VII

GENERAL

Boarding  
of vessels.

Vessels to  
be kept in  
moveable  
condition.

Navigation  
under  
influence of  
drink or drugs.

Refuse, etc.,  
in Harbour.

PART VII  
—cont.

(3) Save with the prior permission of the harbour master no person shall leave any boat or any gear or materials on or in any part of the Harbour except at an approved mooring.

Dangerous or offensive matter in Harbour.

50.—(1) No person shall without the consent of the harbour master pour, pump or allow any dangerous goods to escape into the Harbour or the harbour limits. 5

(2) Every person for the time being in charge of any vessel or of any premises from which dangerous goods have been poured, pumped or allowed to escape into the Harbour or harbour limits shall inform the harbour master of the occurrence at the earliest possible moment.

Destroying or setting fire to vessels.

51. No person shall set fire to, destroy or break up any vessel or wreck within the Harbour or harbour limits except with the prior permission of the harbour master and in such a position within the Harbour or harbour limits as may be approved by the harbour master in writing. 10

Drift or trawling nets not to obstruct navigation.

52. No person shall cast or place any drift, trawl or other net in such a position so as to be or be likely to become an obstruction or danger to vessels navigating the Harbour or harbour limits. 15

Vessels to have their names, etc. marked on them.

53. The owner of any vessel in the Harbour or the harbour limits shall cause it to be conspicuously marked with its name and the port or place at which the vessel is usually kept or, in the case of a yacht and yacht tender, the name or initials of the yacht club to which the owner belongs; provided that this byelaw shall not apply to any vessel which is otherwise required to be marked by any statute or regulation or order made thereunder. 20

Dredging or grappling without permission not to take place.

54. No person shall dredge or grapple for any article or thing within the Harbour or the entrance channel without the previous written permission of the harbour master.

Prevention of obstruction.

55. No person shall without the permission of the company place or leave or permit to be placed or left any goods or article of any description upon any part of the Harbour for longer than twenty-four hours. 25

Without prejudice to the generality of the foregoing the approach to the docks, quays, wharves, jetties and piers forming part of the Harbour shall at all times be kept clear and free from obstruction so as to permit the mooring and unmooring of vessels and the loading and unloading of vehicles or vessels. 30

Display of printed matter.

56. No person shall while in or upon the Harbour or harbour limits otherwise than with the express permission of the company or the harbour master (which shall not be unreasonably withheld)—

- (a) display or exhibit any printed written or pictorial matter or any article for the purpose of advertising or publicise or distribute any book, leaflet or other printed matter or any sample or other article; 35
- (b) sell or expose or offer for sale any article or goods whatsoever; or
- (c) tout, ply for, or solicit alms, reward or custom or employment of any description.

57. No person shall at any time while within the Harbour or the harbour limits—
- (a) behave in a riotous or disorderly manner; or
- (b) intentionally obstruct, impede, molest, or interrupt the harbour master or any constable or authorised person in the performance of his duty or in the execution of any of the work, matters or things to be done by him; or
- (c) be in a state of intoxication or under the influence of drugs; or
- (d) spit upon, at, or against any waiting room, public room, hall, office or public passage forming part of the Harbour.
58. No person shall without the written permission of the company or the harbour master affix or cause to be affixed any advertisements, bills, notices or placards upon any part of the Harbour.
59. Every person wishing to avail himself of any services or facilities provided at the Harbour shall, upon notice or request by the company, the harbour master, any constable, or any authorised person take up position in the rear of such queue or queues of persons or vehicles as may be established by the company for the purpose of regulating the access to such services and facilities and shall move forward in an orderly and regular manner, and obey the lawful and reasonable instructions of the harbour master, or any constable or authorised person for regulating such queues.
60. No person shall refuse to open the doors of any shed, office, hut, warehouse or other building or structure on or about the Harbour or in any way intentionally obstruct or prevent any authorised person or constable in or from getting into any such shed, office, hut, warehouse or other building or structure for the purpose of ascertaining whether these byelaws have been or are being complied with.
- 61.—(1) No person shall enter, loiter or remain upon any part of the Harbour unless he has lawful business therein or is in exercise of a public right of way or a licence, or is authorised to do so.
- (2) Every person entering or who shall have entered the Harbour shall whenever required to do so by the harbour master or any constable or authorised person give a satisfactory account of himself and his business and in default may be forthwith removed and excluded from the Harbour.
62. Except in an emergency no person shall enter or leave the Harbour otherwise than by an authorised route.
- 63.—(1) Except by permission in writing of the harbour master no person knowing that he is or may be suffering from an infectious disease shall enter or remain and no person having the custody, charge or care of any such person shall cause or permit such person to enter or to remain within the Harbour or the harbour limits; provided that this paragraph shall not apply to persons suffering from any infectious disease on board any vessel entering the Harbour or the harbour limits.

PART VII  
—cont.

Offensive  
behaviour and  
language.

Bill-posting.

Formation  
of queues.

Entry into  
premises.

Persons not  
to loiter on  
company's  
property.

Unauthorised  
entry and  
exit.

Infectious  
diseases.

PART VII  
—cont.

(2) Any person suffering as aforesaid and any person having the custody, charge or care of any such person may be removed from the Harbour or the harbour limits by or under the direction of the harbour master or any constable and shall be liable to the company for the cost of disinfecting any premises, vehicle or vessel in which such person shall have been and to make good any other damage to the property of the company through the contravention of this byelaw without prejudice to any penalty incurred by such contravention. 5

Dangerous  
goods and  
articles.

64. No person shall take or cause to be taken in or upon, or place or cause to be placed in or upon the Harbour or, while upon the Harbour have in his or her possession or discharge, as the case may be, any loaded weapon of any kind, or any cinematograph film or any inflammable explosive or corrosive gas, spirit, liquid, substance or matter or any article or thing which experience has shown, or may show, to be dangerous to persons or property. Provided that nothing in this byelaw shall apply to— 10

- (a) small quantities of spirit or liquid carried for the personal use of such person and not for the purpose of trade or business, provided that all due precautions are taken for the prevention of accident or injury therefrom; 15
- (b) cinematograph film formed on a cellulose acetate base that is so called "safety", "slow burning" or similar types;
- (c) the carriage of explosives in accordance with any byelaws in force at the time of such carriage and made by the company or their predecessors and sanctioned by the Secretary of State under and in pursuance of the Explosives Act 1875; or 20
- (d) the carriage of dangerous goods (other than explosives) in accordance with the conditions and regulations for the time being applicable to the carriage of such goods within the Harbour. 25

If any person contravening this byelaw fails to remove from the Harbour immediately upon request by the harbour master any article or thing to which this byelaw relates, the same may be removed therefrom by or under the direction of the harbour master or any constable without prejudice to any penalty incurred by the contravention of this byelaw.

Misuse of  
property.

65. No unauthorised person shall use or misuse or interfere or tamper with any navigation light or signal or any life saving appliance or any apparatus, machines, equipment or thing comprised in or forming part of or used in connection with the Harbour. 30

Stones not  
to be  
thrown.

66. No person shall within the Harbour throw any stone, matter or thing or discharge any catapult.

Prohibition  
of sports  
and games.

67.—(1) No person shall swim, fish or water-ski or, subject to the provisions of paragraph (2) hereof, engage in or play any sport or game of any kind without the permission of the harbour master. Provided that this paragraph shall not be construed as requiring any person to obtain the permission of the harbour master before using a pleasure boat within the Harbour or harbour limits. 35

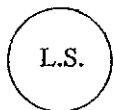
(2) No person shall in the Harbour skate on rollers, skateboards, scooters, wheels or other mechanical contrivances. 40



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|---|--|
| <p>68. No person shall hold, or attempt to hold, any meeting or deliver, or attempt to deliver, any address within the Harbour or the harbour limits without the permission of the company.</p>   | <p>PART VII<br/>—cont.<br/>Holding of meetings.</p>      |
| <p>69. No person shall either enter or be or remain in or about the Harbour for the purpose of or engage in bookmaking, gaming, betting, or wagering or agreeing to bet, wager or gamble with any other person.</p>   | <p>Prohibition of gambling.</p>                          |
| <p>70. Any person who is reasonably suspected of committing, or attempting to commit, or who has committed any offence against these byelaws shall give his name and address to any constable or authorised person when requested to do so.</p>   | <p>Disclosure of name and address.</p>                   |
| <p>10 71. No person shall remove any boulders, shingle, sand or other material from any place within the Harbour or harbour limits without the prior sanction of the harbour master.</p>  | <p>Removal of shingle.</p>                               |
| <p>15 72. No master of a vessel propelled by means of an internal combustion engine which can reasonably be fitted with a silencer or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine shall navigate or operate such vessel in the Harbour unless such engine is so fitted with a silencer.</p>  | <p>Silencing noise of exhaust of engines of vessels.</p> |
| <p>20 73. Nothing in any of these byelaws contained shall be construed or read as in any way limiting or restricting the harbour master's lawful powers under any statute independent of these byelaws, nor to relieve any person of any statutory liability for not complying with any directions given by the harbour master in pursuance of such powers nor to limit or restrict the exercise by the company through their servants or agents of any right in law which they have as owners of the Harbour or under any statute.</p> | <p>Saving of harbour master's and other powers, etc.</p> |
| <p>25 74.—(1) Any person contravening any of these byelaws (other than byelaw 61 (1)) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the sum of fifty pounds and in the case of a continuing offence a further fine not exceeding ten pounds for each day or part of a day on which the offence is continued after conviction thereof.</p>  | <p>Penalties.</p>  |
| <p>30 (2) Where the commission by any person of an offence under these byelaws is due to the act or default of some other person that other person shall be guilty of the offence; and a person may be charged with and convicted of an offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.</p>   |  |
| <p>35 (3) In any proceedings for an offence under byelaws 6, 10, 20, 28, 29, 33 and 43 it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence and in any proceedings for an offence under byelaws 5, 14, 17, 22, 25 (1), 26, 27, 47, 55 and 72 it shall be a defence for the person charged to prove that he had a reasonable excuse for his act or failure to act.</p>   |  |
| <p>40 (4) If in any case the defence provided by paragraph (3) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that</p>   |  |

PART VII  
—cont.

defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.



{ THE COMMON SEAL of Sealink U.K.  
Limited was hereunto affixed in the presence of:— 5

(sgd) L. C. MERRYWEATHER,  
*Director.*

(sgd) G. R. EVANS,  
*Director.*

on the 19th day of April One thousand nine hundred and seventy-nine.

THE MINISTER HEREBY CONFIRMS the foregoing byelaws.

*Signed by authority of the Minister*

(Sgd.) DAVID EDMONDS,

*An Assistant Secretary in the Department of Transport*

18th June 1979