

THE MERSEY DOCKS AND HARBOUR COMPANY LIMITED

PORT OF LIVERPOOL GENERAL BYELAWS 2020

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THE MERSEY DOCKS AND HARBOUR COMPANY LIMITED

Maritime Centre
Port of Liverpool
L21 1LA

PORT OF LIVERPOOL GENERAL BYELAWS 2020

The Mersey Docks and Harbour Company Limited in exercise of its powers under Section 221 of the Mersey Docks Acts Consolidation Act 1858 and regulation 25(1) of the Dangerous Goods in Harbour Areas Regulations 2016 hereby makes the following byelaws:-

Preliminary

1. Title and Commencement

These byelaws may be cited as the Port of Liverpool General Byelaws 2020 and shall come into force on the expiration of one month from the date of confirmation by the Secretary of State for Transport

2. Application of Byelaws

- (a) These byelaws shall apply within the Dock Estate and within or on board any Vessel lying within or using the same.
- (b) The byelaws and regulations referred to in the Schedule to these byelaws are hereby revoked.

3. Part I Interpretation

- (a) In these byelaws, the following words and expressions shall have the meanings respectively set against them:-

“Company”	The Mersey Docks and Harbour Company Limited.
“Constable”	a police constable appointed on behalf of the Company, pursuant to the Mersey Docks and Harbour (Police) Order 1974.
“Dangerous Goods”	shall have the same meaning as that referred to in regulation 3 of The Dangerous Goods in Harbour Areas Regulations 2016.
“Dock”	any dock, graving dock, basin, lock, cut, entrance or passage for the time being vested in or occupied by the Company.
“the Dock Estate”	the docks, piers, wharves, quays, berths, roads, railways, bridges, jetties, stages, sheds and other works and facilities, and the lands, buildings and property of every description and of whatever nature, which are for the time being vested in or occupied by the Company and forming part of the Port of Liverpool.
“Harbour Master”	the Harbour Master appointed by the Company and includes his authorised deputies and assistants and any person so authorised by the Company to act in that capacity.
“Hot Work”	the application of heat by means of tools and equipment, including use of flames, sparks, hot air or arc welding and cutting equipment, brazing and soldering equipment, blow lamps, bitumen boilers and other equipment producing heat or having naked flames including the unintentional

application of heat by the use of power tools or hot rivets, falling onto and igniting flammable material or flammable vapours.

“Jetty”	any works for the time being vested in or occupied by the Company (other than any river wall) designed for the berthing of Vessels in the River Mersey and includes any bridge, roadway or footway afforded access thereto.
“Machinery”	includes all cranes, weighing machines, plant and equipment, works or other things belonging to the Company.
“Master”	when used in relation to any Vessel means any person having command or charge of a Vessel for the time being.
“Owner”	when used with reference to any Vessel includes the owner, agent, Master, charterer or other person in charge of the Vessel, and when used with reference to goods includes the owner, agent, consignor, shipper, consignee or other person in charge of the goods and their respective agents in relation thereto.
“Permit to Work”	the work instructions and conditions in relation to naked flames, lights or Hot Work issued from time to time by the Responsible Officer or his authorised deputies and assistants or other responsible office of the Company, or, in the case of work on a Vessel, by the Master, or, in the case of work in an area occupied, controlled or tenanted by a third party, the appropriate authorised person of that third party.
“Permission”	permission of the Company, and includes permission of a responsible officer of the Company.
“Police Officer”	a police officer appointed by the Crown.
“the Port of Liverpool”	the Dock Estate and the area comprising all the sea and channels leading to the River Mersey bounded by an imaginary line drawn straight from the Redstones at Hoylake at latitude 53 degrees 23 minutes 12.17 seconds north and longitude 3 degrees 11 minutes 55.42 seconds west to a position in latitude 53 degrees 29 minutes 00 seconds north and longitude 3 degrees 32 minutes 00 seconds west, thence in a true north direction to a position in latitude 53 degrees 33 minutes 00 seconds north and longitude 3 degrees 32 minutes 00 seconds west and thence drawn straight in a direction of 065 degrees true to the point of intersection with, and thence along, an imaginary line bearing 157.5 degrees true to a position on the beach at Formby Point at latitude 53 degrees 34 minutes 00.55 seconds north and longitude 3 degrees 05 minutes 57.75 seconds west and the River Mersey (excepting so much thereof as is situate in the port of Manchester) up to Warrington Bridge.
“Quay”	any quay, road, land, bridge or other works including the buildings and erections thereon for the time being belonging to or under the management of the Company which is not separated from a dock by a road maintainable at public expense.

“Railway Vehicle”	any railway locomotive or rolling stock designed or intended to be used on a railway other than a Vehicle.
“Responsible Officer”	means an officer with the relevant responsibility appointed by the Company.
“Security Officer”	any person appointed by the Company to act in the role of a security officer.
“Stage”	any works for the time being belonging to or under the management of the Company designed for the berthing of vessels in the River Mersey and so constructed as to float on the water of the said River, and includes any bridge, roadway or footway affording access to such works.
“Vehicle”	includes all vehicles, lift trucks, and trailers and semi-trailers and other mechanical plant which moves on wheels, tracks, skids or any combination thereof other than a Railway Vehicle.
“Vessel”	includes every description of vessel, however propelled or moved, and includes a hovercraft, a hydrofoil vessel, personal watercraft, anything constructed or used to carry persons or goods by water, and except for the purpose of levying rates, a seaplane on or in the water.

- (b) Permission or approval for any act may be granted subject to conditions and any act done contrary to or without due compliance with such conditions shall be deemed to be done without permission or approval.
- (c) The Interpretation Act 1978 shall apply to these byelaws as it applies to the interpretation of an Act of Parliament.

Part II Vessels

4. Duties of Persons in Charge of vessels

The person having charge of a Vessel:-

- (a) shall cause to be used over the side of the Vessel only such fenders as are:-
 - (i) capable of floating in water;
 - (ii) secured to the Vessel by two independent lashings of such size and condition as to prevent loss of the fender under ordinary conditions of user;
 - (iii) indelibly marked with means of identifying the Vessel, or the Owner of the Vessel, aboard which it is used;
- (b) shall cause the mooring ropes of the Vessel to be made fast only to bollards, ringbolts or other objects specifically provided for the purpose of the mooring of Vessels;
- (c) shall take such steps as may be necessary to prevent water escaping or being discharged from the Vessel on to a quay or jetty or on to another Vessel;

- (d) shall not without Permission cause or permit the propeller of the Vessel to be turned save for the purpose of navigation; and
- (e) shall, if any article or thing whatsoever is lost overboard from the Vessel, immediately furnish the Harbour Master with full particulars of the occurrence.

5. Measures to Prevent Objects Falling into the Docks

A person undertaking the loading or discharging of cargo or stores into or from a Vessel or any work of repair, refit or reconstruction of a Vessel:-

- (a) shall take such steps as may be necessary (whether by the provision of nets, save-alls or otherwise) to prevent, so far as reasonably practicable, any article or thing whatsoever from falling or escaping into the waters of a Dock whilst being carried or transported to or from the Vessel; and
- (b) shall, if any article or thing falls or escapes into the waters of a Dock immediately give the Harbour Master full particulars of the occurrence.

Part III - Dangerous Goods

6. Landing or Loading of Dangerous Goods

Dangerous Goods shall not be landed, loaded or transhipped other than at such Dock, Quay, Stage or Jetty as may be appointed from time to time by the Harbour Master and other than in such a quantity as shall not exceed such limits in respect of the particular Dangerous Goods as the Harbour Master may specify from time to time.

Part IV – Fire

7. Outbreak of Fire

Where reasonably practicable to do so in the case of an outbreak of fire within the Dock Estate the Master of any Vessel, or the occupier of such building (as the case may be) affected shall take immediate action with the Vessel's or building's firefighting equipment and give warning of such fire and inform the Harbour Master. In the case of a Vessel, such warning shall be by continuous sounding of the Vessel's siren or whistle.

8. Smoking

No person shall smoke within or near to any warehouse, store, building or shed within the Dock Estate or near to or amongst any goods on the Dock Estate.

9. Naked Light or Flame

No person shall light, or attempt to light, or use any naked light or flame or undertake any activity which involves Hot Work or which is capable of causing a fire or explosion within the Dock Estate except with the prior Permission of the Company (given by the Harbour Master or a Responsible Officer of the Company). Permission of the Company does not constitute a Permit to Work.

10. Permission to Work

Any act or work using a naked flame or light or the undertaking of any activity which involves Hot Work or which is capable of causing a fire or explosion may be undertaken subject to Permission granted by the Company, and shall be subject always to the issuance of a Permit to Work; and any act done contrary to or without due compliance with such Permit to Work shall be deemed to be done without Permission and the Company (through its Harbour Master or

other Responsible Officer of the Company) shall have the power by any such officer of the Company to suspend or prohibit such act either orally or in writing.

11. **Hot Work**

- (a) Before Hot Work is undertaken, or equipment relating to Hot Work is used, on the Dock Estate the operator shall ensure that all flammable materials shall be moved to such a distance from the equipment as will render them safe from fire and, where such movement is impossible, such materials shall be adequately shielded.
- (b) No tank containers or other facilities used for storage or transportation of flammable materials shall be repaired on the Dock Estate using Hot Work until the operator of such equipment has ensured that such facilities have been rendered safe for making the repairs.
- (c) The undertaker of each unit of Hot Work shall ensure that suitable fire extinguishing equipment, ready for instant use in case of fire, shall be placed near each such unit.
- (d) The operator of any Hot Work equipment shall ensure that every compressor or generator used in connection therewith shall be placed securely and in such manner as not to interfere with any other operations carried out on the Dock Estate.
- (e) Operators of Hot Work equipment shall at all times take all necessary precautions to prevent fire or explosion from the use of such equipment.

Part V – Vehicles and Railways

12. **General Requirements**

A person in charge of any Vehicle or Railway Vehicle:-

- (a) shall not cause or permit the same to be brought onto a Quay or Jetty or to remain on a Quay or Jetty if notice in writing objecting to its presence or future presence has been given to him or to the owner of the Vehicle or Railway Vehicle; and
- (b) shall at all times obey the directions and requirements of any officer or constable of the Company and any notice, light or sign of any description for prohibiting, limiting or directing passage, access or waiting and in particular shall not allow any Vehicle to remain within the Dock Estate unattended, except when parked in a parking space designated by the Company

PROVIDED that this byelaw shall not apply to:-

- (a) any mobile crane, cargo truck or other vehicle which is normally employed in the moving or handling of goods upon a Quay or Jetty; or
- (b) any Vehicle which is on a Quay or Jetty for the purposes of any work then in progress on or at that Quay or Jetty of moving or handling goods.

13. **Speed Limit**

- (a) No person shall drive a Vehicle in an unsafe manner, carrying a load which is insecure or, except in the case of an emergency, at a speed exceeding 20 miles per hour or any other speed limit specified by the Company from time to time within the Dock Estate; and
- (b) No person shall drive a Railway Vehicle or propel or haul a Railway Vehicle at a speed exceeding 10 miles per hour within the Dock Estate.

14. Sheds and Bridges

A person having charge of a Vehicle:-

- (a) shall not cause or permit the Vehicle to proceed into or out of a shed or other building without having first satisfied himself that it is safe to do so; and
- (b) shall not without Permission cause or permit the Vehicle:-
 - (i) to move across a bridge at a greater speed than 4 miles an hour or in such a manner that the wheels of the Vehicle travel upon any part of the bridge other than the wheel tracks of the roadway on the left-hand side of the bridge when viewed in the direction in which the Vehicle is moving;
 - (ii) to be upon a bridge if the laden weight of the Vehicle and its trailer, if any, exceeds the weight stated on any notice exhibited at the approach end of the bridge, or if the Vehicle is of a class or description prohibited by such notice from being thereon; or
 - (iii) to push, drag or trail any article or thing (other than another Vehicle, including its load, if any) over a bridge.

15. Accidents to be Reported

The driver of any Vehicle involved in an accident whereby any injury is caused to any person or any damage is caused to any property shall unless he or she is unable to do so as a result of the accident stop that Vehicle at the exit gate and give his name and address and particulars of the accident to the Security Officer on duty.

16. Halt at Entrance or Exit Gate

The driver of a Vehicle shall stop at any recognised entrance to or exit from the Dock Estate for inspection of the Vehicle by a Security Officer and shall not proceed until so authorised by that Security Officer.

17. Weighbridge

Except in the case of an emergency, no person shall drive a Vehicle across a weighbridge except for the purpose of weighing that Vehicle.

18. Priority to Railways

The driver of a Vehicle shall give way to any Railway Vehicle on any part of the Dock Estate.

19. Interference with Railway Vehicles

A person shall not without Permission move or interfere with any Railway Vehicle or any railway switch, point lever, signal or points or any other machinery or appliance on or used or provided in connection with a railway.

20. Loading and Discharging of Railway Vehicles

A person shall not without Permission load or discharge or attempt to load or discharge a Railway Vehicle, or leave a Railway Vehicle standing, elsewhere than at a siding or place provided for the loading and discharging of Railway Vehicles.

21. Loads not to Leak, Spill or Drop

The owner, driver or other person having charge of a Vehicle or a Railway Vehicle shall not permit to leak, spill or drop from the Vehicle any polluting substance or any substance which is likely to present a hazard to other users of the Dock Estate.

22. Obstruction by Vehicles or Goods

A person shall not without Permission place any Vehicle, machine, goods or other thing whatsoever, or cause or permit the same to stand or remain—

- (a) within six feet of a railway, roadway or footway;
- (b) on a bridge; or
- (c) in such a position as to obstruct or delay traffic (whether pedestrian, vehicular or otherwise) or the handling of cargo or the free working of the slides or the opening or closing of the doors of a shed or other building, or the free access to or use of any staircase or any electric distribution pillar, switchboard, switch or plug box or the free access to or use of any crane, jigger, points lever, or other machine, appliance or apparatus of any kind used for or in connection with the handling of goods or the working of a railway:

Provided that nothing in this byelaw shall prohibit the placing of a Vehicle within six feet of a railway for the purposes of the loading or discharging of a Railway Vehicle.

23. Barrier, Notices

A person shall not, without Permission, pass beyond or across (or cause or allow any Vehicle (or part thereof) driven or propelled by him to pass beyond or across) any fence, chain or other barrier for the purpose of preventing or restricting passage or access, and shall not (unless with Permission) neglect to conform to the indication given by any notice, light, flag or sign of any description for prohibiting, limiting or directing passage or access or waiting.

24. Orders, Signals for Guidance of Traffic

A person shall obey all orders, directions or signals for the control or guidance of traffic, (whether pedestrian, vehicular or otherwise) given or made by a constable or officer of the Company.

25. Parking of Vehicles during Night

A person shall not leave a Vehicle standing at any place other than in a place designated by the Company for the parking of Vehicles, at any time between the hours of 7 pm and 8 am unless written Permission to leave the Vehicle standing on the Dock Estate has been obtained from the Company Provided that this byelaw shall not apply to:-

- (a) Any mobile crane, cargo truck or other Vehicle which is normally employed in the moving or handling of goods upon a Quay or Jetty; or
- (b) Any Vehicle which is on a Quay or Jetty for the purpose of any work then in progress on or at that Quay or Jetty of moving or handling goods.

26. Offences in connection with Vehicles

- (a) A person shall not on any Quay or Jetty (not being a highway or any other road to which the public has access or, as regards paragraphs (c) and (d) hereof, a public place):-

- (i) drive a Vehicle recklessly, or at a speed or in a manner which is dangerous to other persons, having regard to all the circumstances of the case, including the nature, condition, and use of the Quay or Jetty, and the amount of traffic which is actually at the time or which might reasonably be expected to be on that Quay or Jetty; or
 - (ii) drive a Vehicle without due care and attention or without reasonable consideration for other persons using the Quay or Jetty; or
 - (iii) drive a Vehicle, or attempt to drive a mechanically propelled Vehicle, whilst unfit to drive; or
 - (iv) when in charge of, but not driving, a mechanically propelled Vehicle, be unfit to drive: provided that a person shall be deemed not to have been in charge of a mechanically propelled Vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving the Vehicle so long as he remained unfit to drive and that between his becoming unfit to drive and the material time he had not driven the Vehicle upon any Quay or Jetty.
- (b) In this byelaw the expression “unfit to drive” means, in relation to any Vehicle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of that Vehicle; and the expression “drive a vehicle” includes riding a bicycle or tricycle.

(NOTE: The Road Traffic Act 1988 creates similar offences in respect to Vehicles on a highway or any other road to which the public has access or, as regards paragraphs (c) and (d) of this byelaw, in a public place.)

Part VI – General

27. Admission to Docks

Except in the case of Police Officers and officers or servants of the Crown whilst in the exercise of their duties, any person wishing to enter the Dock Estate, and any person within the Dock Estate, shall whenever required to do so by a responsible officer of the Company or Security Officer inform him of the business on which he wishes to enter the Dock Estate or is engaged within the Dock Estate.

28. Removal of Notices

No person shall remove, or interfere with any Company mark, printed or written notice, direction, sign or device order, byelaw or regulation which is posted, attached or affixed to or on any property of the Company.

29. Unauthorised Entry

- (a) Other than in an emergency, all persons (save for Constables or officers or servants of the Crown whilst in the exercise of their duties) shall enter or leave the Dock Estate by means of the approved entrances or exits.
- (b) In paragraph (a), 'approved' means approved by a Constable or a Responsible Officer.

30. Meetings

Meetings within the Dock Estate shall only be held in such places and at such time as a responsible officer of the Company may approve.

31. Interference with Plant, Equipment etc.

Except in the execution of his duties or in case of emergency no person shall within the Dock Estate, use, interfere, or tamper with any Machinery without the prior Permission of the

Company.

32. Gas, Water and Electricity

No person shall without the prior written approval of the Company make a connection to any gas or water mains or electricity cables within the Dock Estate.

33. Interference with Safety Equipment

No person shall use, obstruct, remove, interfere or tamper with any fire-fighting equipment, hydrant or bucket or any life-saving apparatus on the Dock Estate except for the purpose of combating fire or saving life or any related purpose.

34. Materials, Plant and Equipment

All surplus materials or Machinery that create obstructions or impediments within the Dock Estate must be removed following use, from the Quays and roads by the owner of such materials or Machinery.

35. Fumigation

A person shall not without Permission carry out or cause or permit to be carried out the fumigation of, or of any part of, any Vessel, building or article.

36. Obstruction of Company's Officers etc.

No person shall in any way resist, obstruct or impede any Responsible Officer or servant of the Company in the execution of his duty or employment or disobey his lawful orders or aid or incite others to do so.

37. Exit from Dock Estate

- (a) No person carrying or having upon or with him or in or upon any Vehicle any goods shall leave or attempt to leave the Dock Estate unless and until he has obtained the requisite pass to remove such goods. Such pass shall be produced upon demand to the Security Officer on duty at the exit gate.
- (b) The driver or person in charge of a Vehicle shall permit a Security Officer or Constable to search that Vehicle for the purposes of checking that the correct goods are being removed from the Dock Estate.

38. Prohibition of Certain Acts

- (a) No person shall without Permission distribute or post leaflets, papers, notices or advertisements, take any photograph or make any drawing, sketch, film, video recording or painting within the Dock Estate
- (b) No person shall without written Permission undertake any diving operation within the Dock Estate.
- (c) Except a Police Officer in the execution of his duty, no person shall without written Permission bring onto the Dock Estate any rifle, gun or pistol of any description or any other offensive weapon.
- (d) No person shall engage by way of trade in buying or selling any goods or property on the Dock Estate without written Permission;

- (e) Paragraph (d) of this byelaw shall not apply to buying or selling by a person on land which he occupies in the Dock Estate as a tenant or licensee of the Company for a purpose which includes the undertaking of that buying or selling.
- (f) No person shall play or bet by way of wagering or gaming within the Dock Estate, in any place or with any table or instrument of gaming, or any instrument whose primary purpose within the Dock Estate is for use in wagering or gaming.
- (g) No person shall fish in or from the Dock Estate without having first obtained the written Permission of a responsible officer of the Company.
- (h) No person shall engage or take part in water skiing, aquaplaning, paragliding, power boat racing, parakiting or parachute towing or any similar activity, except with the written Permission of the Harbour Master and only in such areas and in accordance with such reasonable conditions as the Harbour Master may specify.

39. **Part VII Penalties**

- (a) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition imposed by the Company or the Harbour Master in the exercise of the powers conferred upon them by these byelaws shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (b) 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 an offence; and that other person may be charged with, and convicted of, the offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.
- (c) Where a breach of these byelaws which is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of that offence and is liable to be proceeded against in accordance with byelaw 39(a).
- (d) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove;
 - i) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
 - ii) that he had a reasonable excuse for his act or failure to act.
- (e) If in any case the defence provided by paragraph (d)(i) 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 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.

SCHEDULE

Description of Byelaws	By whom approved and date
Byelaws and Regulations for the General Government of the Owners of Boats and Small Craft and Boatmen	<u>By Board of Trade on 11 July 1878</u>
Byelaws for Regulating the Mooring and Anchoring of Vessels in the River Mersey	<u>By Board of Trade on 27 August 1918</u>
Byelaws for regulating the use of the Birkenhead Dock Railways	<u>By Minister of Transport on 29 September 1921</u>
Byelaws relating to the Beaching and Breaking up of vessels	<u>By Minister of Transport on 9 October 1924</u>
Common Petroleum and Fuel Oil Byelaws [Nos. 13 and 17 to 20]	<u>By Minister of Transport on 4 February 1937</u>
Byelaws and Regulations with respect to the use of Fires and Lights	<u>By Minister of Transport on 30 June 1960</u>
Dock Quays and Jetties Byelaws	<u>By Minister of Transport on 6 June 1968 and by Secretary of State for Transport on 11 June 1984</u>
Byelaws with the respect to the Speed of Vessels Navigating the River Mersey and the Sea Channels and Approaches thereto	<u>By Minister of Transport on 3 October 1969</u>
The Port of Liverpool Dangerous Substances Byelaws	<u>By Secretary of State for Transport on 22 December 1989</u>

Given under the Common Seal of

The Mersey Docks and Harbour Company Limited

this day of 2020

Director Secretary

The foregoing Byelaws were confirmed on behalf of the Secretary of State for Transport, on this day of 2020 by