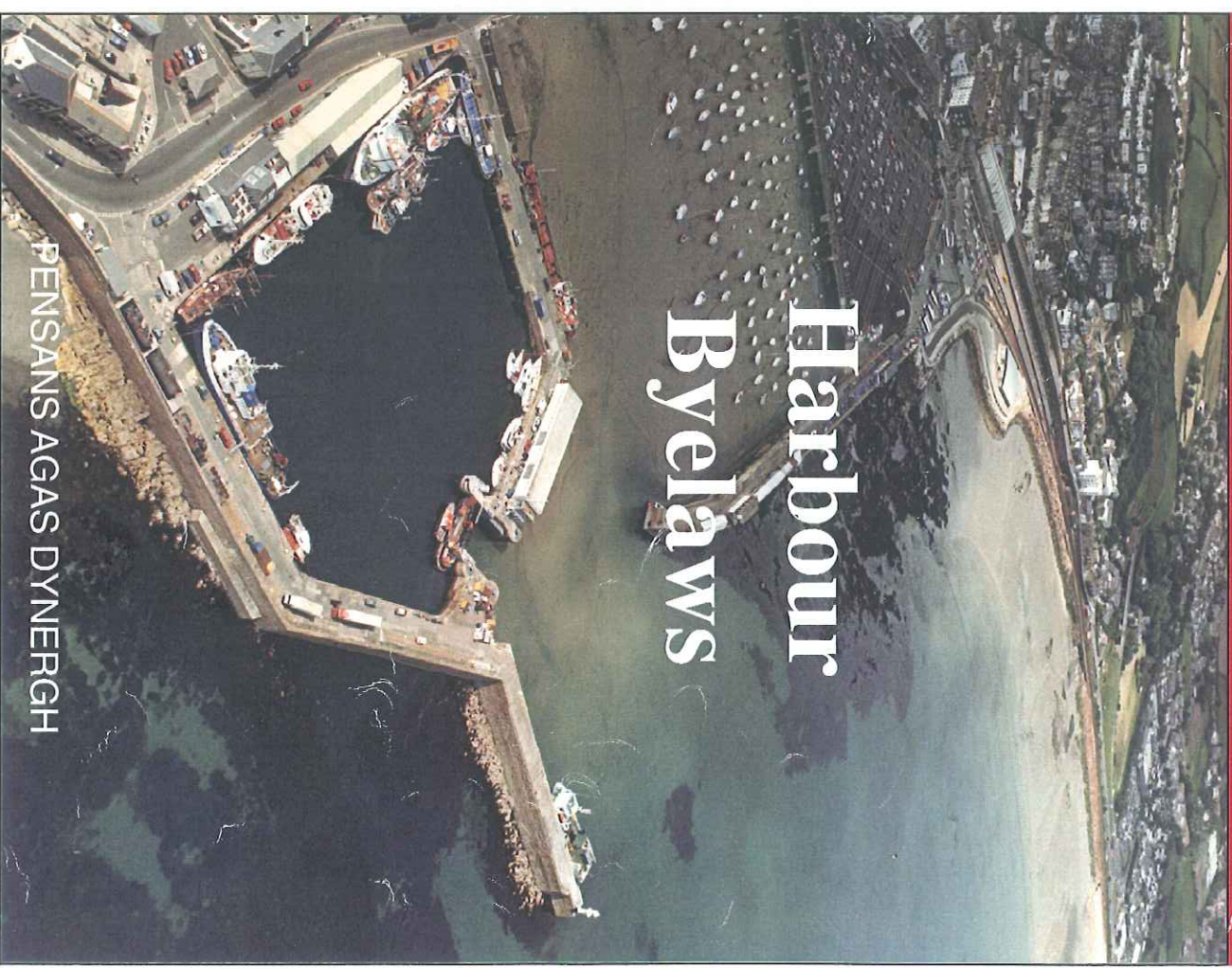


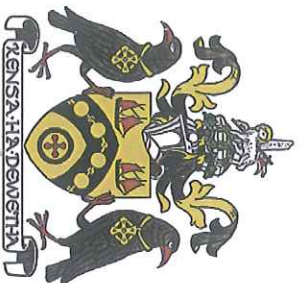
Penzance Harbour

LAT 50°06' LONG 05°33'

Harbour Byelaws



PENSANS AGAS DYNERGH



© This publication is produced by:

Penwith District Council

Tel: 01736 362341

HARBOUR BYELAWS

The District Council of Penwith in exercise of the powers conferred on them by Section 83 of the Harbours, Docks and Piers Clauses Act, 1847 as incorporated with Section 14 of the Penzance Corporate Act 1883 and of all other powers enabling them in that behalf hereby make the following Byelaws:-

I – PRELIMINARY

and Commencement

1. These Byelaws may be cited as the Penzance Harbour Byelaws 1980 and shall come into operation on the expiration of twenty-eight days from the date of confirmation thereof by the Minister of Transport.

Application

2. These Byelaws shall apply to all parts of the Harbour, situated within the jurisdiction of the harbour authority, being an area more particularly described in the Schedule hereto.

Interpretation

3. In these Byelaws, unless the context otherwise requires, the following words or expressions have the meaning hereby respectively assigned to them:-

“The Authority” means the District Council of Penwith;

“Collision Regulations” has the meaning assigned to that expression by Section 418 of the Merchant Shipping Act, 1894;

“Goods” means all articles and merchandise of every description and includes fish, livestock and animals;

“The Harbour Master” means the person appointed as such

pursuant to Section 51 of the Harbours, Docks and Piers Clauses Act, 1847 and includes his authorised deputies, assistants and other person authorised by the Authority to act in that capacity;

"Hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"Master" when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being;

"Owner" when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and his agent in relation thereto;

and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

"Quay" means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

"Small Vessel" means any vessel less than 20 metres in length or a sailing vessel and for the purpose of this definition "Sailing Vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used;

"Vehicle" includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicles;

"Vessel" means ship, boat, raft or water-craft of any description

and includes non-displacement craft, sea planes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

PART II - NAVIGATION

Vessel Movements

4. The Master of a sea going vessel shall give prior notice to the Harbour Master of the vessel's arrival at, departure or movement within the Harbour.

Declaration of Particulars of Vessel

5. The Master of a vessel arriving at the Harbour shall, if required by the Harbour Master, furnish to him a declaration in the form to be obtained from him containing a correct statement of tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

Vessels to Navigate with Care

6. The Master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interface with navigation, manoeuvring, loading or discharging of vessels or with moorings or other property.

Speed of Vessels

7. Except with the permission of the Harbour Master and, subject to Byelaw 6 and the Collision Regulations, the Master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 8 knots. The Master shall ensure that propellers are stopped while passing over the sill of the wet dock, except in the case of variable pitch propellers which are to be at zero thrust.

Small Vessels not to obstruct fairway

8. The Master of a small vessel which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

Vessels not to be made fast to navigation buoys or marks

9. The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purpose.

Notification of collisions etc.

10. The Master of a vessel which -
 - (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a Harbour area; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
 - (c) in any manner gives rise to an obstruction to a fairway,shall forthwith report the occurrence to the Harbour Master (as soon as practicable thereafter provide the Harbour Master with full details in writing) and where damage to a vessel is such as to affect or be likely to affect its sea-worthiness the Master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

Vessels adrift

11. The Master of a vessel which parts from its moorings shall, as soon as possible, report the same to the Harbour Master.

PART III - BERTHING AND MOORING

Provision of proper fenders

12. The Master and owner of the vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their vessel and, when berthing and leaving or lying at a quay or against other vessels, the Master shall cause the vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be properly berthed

13. The Master of a vessel shall at all times keep his vessel properly and effectively moored when berthing or lying at any quay.

Access to and egress from Vessels

14. The Master and the Owner of a vessel (other than a small vessel) while berthed alongside a quay shall provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

Sufficiency of Crew

15. Except with the permission of the Harbour Master, the Master of a vessel shall at all times when his vessel is within the Harbour, ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available -
 - (a) to attend to his vessel's moorings;
 - (b) to comply with any directions given by the Harbour Master for the

un-mooring, mooring and moving his vessel;

- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

Vessels to be kept in a movable condition

16. (1) The Master of a sea going vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the Harbour Master and, subject as aforesaid shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely removed.

- (2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the Master or Owner shall inform the Harbour Master forthwith and give to him any further information which the Harbour Master may reasonably require.

Use of Engines while vessel moored or berthed

17. The Master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the Harbour or to any other vessel or property.

Vessels not to make fast to unauthorised objects

18. No persons shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

Access across decks

19. The Master of a vessel alongside a quay or alongside any vessel already berthed within the Harbour shall, if required so to do by the Harbour Master give free access across the deck of his vessel for persons and goods to from vessels berthed alongside his vessel.

Lost Anchor, Cable or Propeller

20. (1) The Master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller, and if the Harbour Master so directs shall cause it to be recovered as soon as practicable.

- (2) The Master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

PART IV - GOODS AND ROAD TRAFFIC

Requirements as to handling and movement of goods in the Harbour

21. (1) The owner of any goods loaded or discharged at the Harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the Harbour Master otherwise agrees.

- (2) The owner of any goods shall comply with such directions as the Harbour Master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Harbour Premises.

Precaution against goods etc. falling into Harbour waters or the Authority's premises

23. No persons shall -

- (a) except with the permission of the Harbour Master, deposit or place on any part of the Harbour Premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or

- (b) without lawful authority use, work, move or interfere with any plant, machinery, equipment or apparatus at the Harbour premises.

Safe-driving of vehicles

24. No persons shall drive or otherwise operate a vehicle in the Harbour premises without due care and attention or without reasonable consideration for other persons using the Harbour premises.

Speed limit for vehicles

25. No persons shall allow a vehicle to proceed anywhere within the Harbour premises at a speed greater than 10 m.p.h.

Supervision of vehicles

26. A person having charge of a vehicle in the Harbour premises shall at all times comply with any directions of the Harbour Master with respect to loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Harbour Master -

- (a) leave the vehicle unattended anywhere within the Harbour premises; or
- (b) take it into any shed or working area.

Loads not to leak, spill or drop

28. The owner, driver or other person having charge of a vehicle in the Harbour premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on axle and laden weight of vehicles as are applicable on public roads.

Refuelling etc. of vehicles

29. No persons shall within the Harbour premises charge or re-charge any vehicles with, or empty it of, fuel except with the permission of the Harbour Master.

Driving on Weigh-bridges

30. No persons shall drive or otherwise operate a vehicle across any Weigh-bridge within the Harbour premises except for the purpose of weighing the vehicle.

Accidents to be reported

31. Any person driving or otherwise operating a vehicle involved in an accident in the Harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and report the accident to the Harbour Master and shall give his name and address to the Harbour Master.

PART V - GENERAL

Inspection Facilities etc. to be made available to Harbour Master

32. The Master of a vessel shall so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Navigation under influence of drink or drugs prohibited

33. A person shall not navigate any vessel in the Harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

Vessels not to be fumigated without permission

34. The Master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

Laying down moorings, buoys and other tackle

35. (1) No persons shall lay down any moorings, buoy, or similar tackle without the prior consent in writing of the Harbour Master, nor except in accordance with such conditions as the Harbour Master may impose.
- (2) A mooring, buoy, or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the Harbour Master so directs.

Dumping in Harbour Waters Prohibited

36. No persons shall deposit or throw into the waters of the Harbour any rubbish or material whatsoever or place it in such a position that it can fall, blow or drift into the Harbour.

Drift or Trawling Nets not to obstruct vessels

37. No persons shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No dragging or grappling without permission

38. No persons shall drag or grapple for any materials or article nor remove the same from the bed of any water area of the Harbour without the written consent of the Harbour Master.

No digging for bait outside designated areas

39. No persons shall dig for bait or for any other purpose in any part of the Harbour other than that so designated by the Harbour Master.

Vessels to have names marked on them

40. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act. 1894 and marked accordingly, shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

Abandonment of vessels prohibited

41. (1) No persons shall abandon a vessel on the banks or shore of the Harbour.

- (2) For the purpose of paragraph (1) of this byelaw, a person who leaves a vessel on the banks or shore of the Harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

Water-Skiing, Aqua-Planing etc.

42. (1) No persons shall engage or take part in water-skiing or aqua-planing except with the written permission of the Authority given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.

- (2) A Master whilst using his vessel for the purpose of towing a water-skier or a person aqua-planing, shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably

required during the towing and in the recovery of the water-skier and shall carry -

(a) for each person on board a life-jacket manufactured in accordance with the appropriate British Standards Specification or personal buoyancy aid of the Ship and Boat Builders National Federation approved type, two hand held distress signals and a fire extinguisher;

(b) for each person water-skiing or aqua-planing a rescue quoit with line or other sufficient hand thrown rescue device.

(3) No persons shall engage in kiting or parachute towing in the Harbour without the prior written consent of the Authority given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

Assistance to Fire and other Services

43. The Master of a vessel shall give every reasonable facility and assistance to the Fire, Police, Ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

Fire Precautions

44. The Master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

Obstruction of Officers of the Authority

45. No persons shall intentionally obstruct any Officer or employee of the Authority in the execution of their duties.

Meetings

46. Except with the consent of the Harbour Master, no persons shall within the Harbour premises -

(a) take part in any general meeting; or

(b) gather together or deliver any address to an audience or gather together any persons whereby any work or business at the Harbour or the control, management or use of the Harbour, is, or is likely to be, obstructed, impeded or hindered.

Unauthorised trading prohibited

47. No persons shall engage by way of trade, in buying or selling any goods or property in the Harbour premises without the written consent of the Authority.

Penalties

48. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these byelaws shall be guilty of an offence and be liable, on conviction before a Court of summary jurisdiction to a fine not exceeding £50.

(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 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.

(3) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove -

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(b) that he had a reasonable excuse for his act or failure to act.

(4) If in any case the defence provided by paragraph (3) (a) 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.

THE SCHEDULE

Limits of Jurisdiction

All the area of the Harbour and Dock of Penzance bounded by Albert Pier, Wharf Road, South Pier and the Lighthouse extension Pier, together with all Quays, Piers, jetties, wharfs, landing places, shores and any loading or discharging places adjacent thereto, slipways, roads and buildings of every description which are for the time being vested in or occupied by the Council as Harbour Authority and used for the purpose of the Harbour Undertaking.

THE COMMON SEAL of the
DISTRICT COUNCIL OF PENWITH
was hereunto affixed this
day of
November 1980 in the
presence of:-



H.T. Juley
Chairman

J.H. Hall
District Secretary

Sending of State for Transport
The Minister hereby confirms the foregoing byelaws.
Sending of State for Transport
Signed by authority of the Minister the
April 1980.

Stinson
An Assistant Secretary of
the Department of Transport