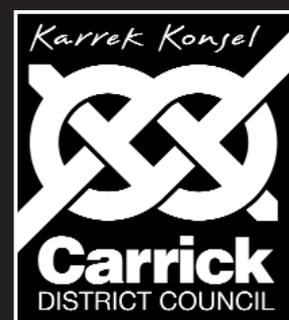


# maritime

## BYELAWS

The Licensing of  
Boats, Boatmen &  
Others within  
Truro and Penryn  
Harbours made under  
the Truro Harbours  
Order 1883 to 1928  
and Penryn Harour  
Orders 1870 to 1920  
together with  
amendment 1994



**BYELAWS MADE BY THE  
CARRICK DISTRICT  
COUNCIL**

IN RESPECT OF

**The Licensing of Boats,  
Boatmen and others within  
Truro Harbour**

**For the licensing and regulating of Boats and Boatmen and the conduct of boatmen, ferrymen and others within Truro Harbour, Carrick District Council in exercise of the powers and authority vested in them by the Truro Harbour Orders 1883 to 1928 and of every other power in that behalf vested in them do make the following Byelaws:**

## **Part I - Preliminary**

### **1. Title and Commencement**

These Byelaws may be cited as the Truro Harbour Licensing and Regulating of Boats and Boatmen Byelaws 1992 and shall come into operation on the expiration of 28 days after the date of confirmation and allowance thereof by the Secretary of State.

### **2. Application**

These Byelaws shall apply to all parts of the harbour, the limits of jurisdiction of which are set forth in the Schedule hereto and to the harbour premises as defined in Byelaw 3 hereof.

### **3. Interpretation**

(1) In these Byelaws unless the context otherwise requires, the following words or expressions have the meanings respectively assigned to them:-

**“The Council”** means Carrick District Council or such other body or bodies as succeed to its powers or duties.

**“The Harbour”** means the area comprised and included in the limits defined by Section 2 of the Truro Harbour Order 1883 as extended by the Truro Harbour Order 1903 and set forth in the Schedule hereto and shown on the map.

**“The Harbour Master”** means Harbour Master for the time being appointed by Carrick District Council and includes his duly authorised deputies and assistants.

**“The Harbour Premises”** means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Council so far as all the foregoing are within the harbour.

**“Owner”** when used in relation to goods shall include any consignor, consignee, shipper or agent for the sale custody or control of such goods and when used in relation to any vessel shall include any part-owner, charterer, consignee or mortgagee in possession thereof, and any agent acting for or on behalf of any such owner, part-owner, charterer, consignee or mortgagee in possession.

**“Vessel”** includes any Ship, Boat Lighter and Craft or every kind whether navigated by Steam or otherwise.

(2) Reference in these Byelaws to any Act whether public general or Local or any Order made thereunder shall be construed as references to that Act or Order as amended by any other Act or Order.

## Part II - General

4. Licences will be granted in approved cases for a period of twelve months commencing on the First day of April, in every year, provided that (a) the Council may at any time suspend or revoke the licence of a vessel not kept in compliance with the Byelaws; and (b) the Council may at any time suspend or revoke the licence of a Boatman convicted of an offence against these Byelaws.
5. Any Licence which is revoked or suspended or otherwise becomes void under these Byelaws must be returned forthwith to the Council by the person to whom the licence was issued.

## Part III - Licensing and Hiring of Vessels

6. No Vessel shall be licensed under these Byelaws unless:
  - (a) It appears and is warranted by the owner to be in every part sound and in complete repair, clean and in a stable condition;
  - (b) It is properly equipped with all gear, tackle and other reasonable requisites for the safe management and navigation thereof;
  - (c) It has the vessel's name or number painted in letters or figures not less than one inch in height on a conspicuous part of the vessel.
  - (d) Every accident, defect, injury or damage is reported to the Harbour Master as soon as possible thereafter.
7. Every vessel licensed under these Byelaws shall be supplied with such life-saving appliances, fire extinguishers and other equipment and carry such licensed boatmen as may be prescribed and laid down from time to time by the Council.
8. Every licensed vessel shall be kept in compliance with these Byelaws and shall be open for inspection by the Harbour Master or any person authorised by him and any variation to the licensed condition shall be reported to the Harbour Master forthwith.
9. The owner or person in charge of a licensed vessel shall at all times comply with the directions of the Harbour Master, these Byelaws, the conditions (including any conditions relating to the imposition of maximum charges) upon which licences are issued and the regulations of the Council for the time being in force.
10. The annual fee for the licence of any vessel shall be as specified by the Council from time to time.
11. The licence for any vessel shall become void upon the transfer of the ownership of that vessel.

## **maritime** services

12. The number of passengers which a vessel is licensed to carry shall be painted in the form "Licensed to carry. . . persons including crew" and kept legible in such position inside the boat to make it visible from without.
13. (a) The person in charge of a licensed vessel shall not whilst the same is carrying passengers for hire carry a greater number of persons than is permitted by the vessel's licence.  
  
(b) Notwithstanding the provisions of part (a) of this Byelaw licensed vessels shall not carry therein a greater number of persons than can safely be carried having regard to circumstances existing at the time of hire.
14. The licence may specify the limits of operation and points of embarkation and disembarkation of passengers of each licensed vessel and vessels licensed under these Byelaws shall not ply or be used for hire outside the limits and points of embarkation and disembarkation specified in the licence.
15. (1) No person shall let for hire or hold out or offer for hiring or suffer or permit to be let for hire or permit to carry passengers for hire any vessel to be used solely within the harbour or outside the harbour from within the harbour unless it is either:
  - (a) Licensed as provided in these byelaws, or
  - (b) Licensed by an Authority approved by the Council or
  - (c) The subject of a valid Passenger Certificate issued by the Department of Transport.  
(2) In the case of 1(a) or 1(b) of this Byelaw the licence shall be produced by the person in charge of the vessel on demand to the Harbour Master and to any person using, chartering, hiring or wishing to hire the vessel.  
  
(3) In the case of 1(c) of this Byelaw the Certificate shall be produced by the person in charge of the vessel on demand to the Harbour Master.
16. (1) The Owner of any vessel wishing to ply for hire or to carry passengers for hire shall take out and maintain a Passenger Liability Insurance Policy and a Policy against Third Party claims for such amount as shall be specified by the Council and Policies and Receipts for the Premiums shall be produced to the Harbour Master before a Boat Licence shall be issued.  
  
(2) In the event of the Insurance Policy lapsing the vessel's Licence will become void.  
  
(3) The abovementioned Policy shall cover both the vessel and her crew against such claims.

## Part IV - Licensing of Boatmen

17. Unless he be licensed as provided in these Byelaws, no person shall be employed in charge of any vessel plying for hire or carrying passengers for hire or let for hire in or from the Truro harbour which vessel is required to be licensed under these Byelaws or which is required to hold a Department of Transport Passenger Certificate of Class V or VI.
18. No person under twenty years of age shall be licensed.
19. No person shall be granted a licence to take charge of the navigation of a vessel unless he has satisfied the Harbour Master of his capability and suitability to take charge of a vessel plying for hire, and he informs the Harbour Master when applying for a licence that he is in a good state of health.
20. Every person licensed as a boatman under these Byelaws shall, whilst so engaged, wear such badge as the Council shall from time to time require and the cost of such badge shall be paid by the boatman who has been licensed.
21. The annual fee for the licence of any person licensed under these Byelaws shall be as specified by the Council from time to time.
22. No person whether employed in or in control of any vessel plying for hire or carrying passengers for hire in or from within the harbour shall use threatening, abusive, indecent, obscene, profuse or offensive language or be guilty of offensive or other misconduct whilst so employed within the harbour premises.
23. Every licensed person shall at the request of
  - (a) any person who has hired or chartered him or applied to him for hire or chartered his vessel; or
  - (b) any Police Constable in the discharge of his duty; or
  - (c) the Harbour Master produce his licence and disclose his full name and place of residence.
24. Every licensed boatman whilst in charge of a vessel carrying any person or persons for hire or charter shall exercise proper skill and care in navigation and management or in the execution of his duties and take all precautions necessary to prevent danger or discomfort to such person or persons.

## **maritime** services

- 25.** No person in charge of or employed in a vessel plying for hire of carrying passengers for hire shall:-
- (a) Tout or importune any person to the annoyance of that person to hire or be carried for hire in any vessel;
  - (b) Suffer any person to embark in a vessel for the purpose of being carried for hire if:
    - (i) the person to be carried is drunk or disorderly and the vessel is being used for a pleasure excursion;
    - (ii) by reason of the state of the weather the navigation and management of the vessel or the embarking or disembarking of the person may be attended by danger;
    - (iii) the vessel is not in every part thoroughly sound and in complete repair or is not properly furnished with all apparatus requisite for the safe navigation and management thereof and with proper life-saving appliances;
    - (iv) the number of competent persons employed is insufficient for the time being for the safe navigation and management of the vessel.
  - (c) Cause or suffer any incompetent person to assume control of the vessel or to assist (except junior members of the crew under training and then only under supervision) in the navigation or management thereof at any time when the boat or vessel is carrying any person for hire.

## **Part V - Penalties**

- 26.** Every person who shall make default or breach in the performance or observance of or offend against or contravene any of these Byelaws shall for every such default breach or offence be liable on conviction before a Court of summary jurisdiction, to a fine as follows:
- (a) in respect of an offence under Byelaw 20, not exceeding level 2 on the standard scale
  - (b) in respect of an offence under all other Byelaws, not exceeding level 3 on the standard scale

and it is expressly declared that the imposition and payment of any penalty shall not affect the liability for any person or vessel to answer in damages for any injury to any person on property arising from such default breach or offence as aforesaid.

## Part VI - Savings etc

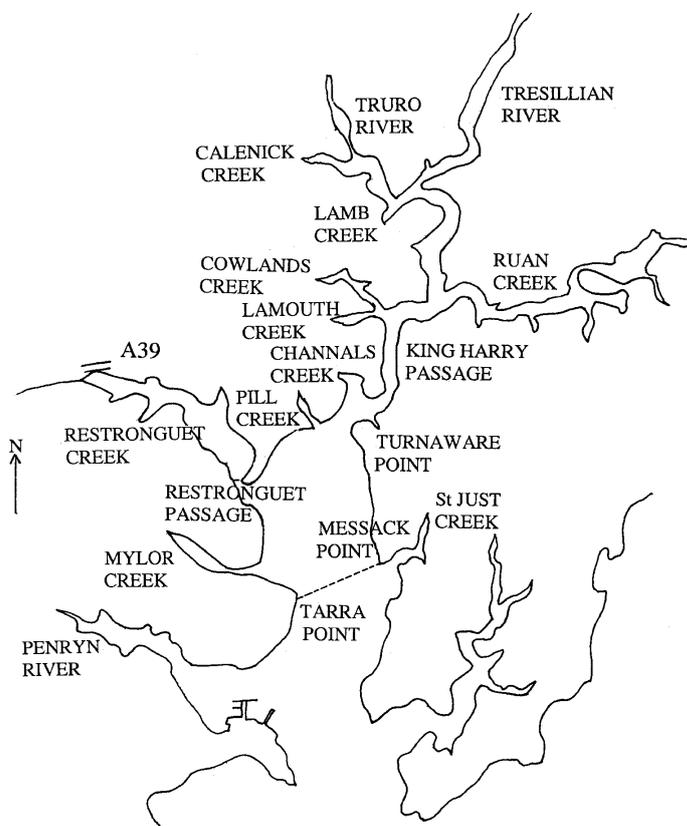
27. Nothing in these Byelaws shall prejudice or affect any Byelaw contained in the Harbour (General) Byelaws 1992 made by the Council and confirmed by the Secretary of State for the protection and regulation of navigation within the harbour and for regulating vessels using the harbour.

## Part VII - Revocation

28. The Truro Harbour Licensing and Regulating of Boats and Boatmen Byelaws 1966 are hereby revoked.

### THE SCHEDULE REFERRED TO IN THE FOREGOING BYELAWS

“All those parts of the Truro Port and River (including all creeks therein, except Restronguet Creek, from Restronguet Passage to the point where the turnpike road from Falmouth to Truro crosses the same) lying to the north and west of an imaginary line to be drawn from a point called Messack Point, in the Parish of St. Just-in-Roseland, in the County of Cornwall to a certain other point called Tarra Point, in the Parish of Mylor, in the said County.”



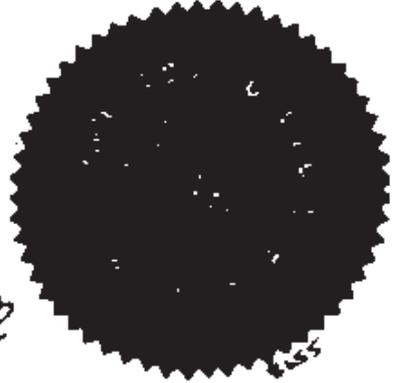
GIVEN under the Common Seal of the  
Carrick District Council  
this 29th day of June 1992

*Rosmund T. Cox*

Chairman

*J. J. McNeill*

The Chief Solicitor  
Administrative Services Officer



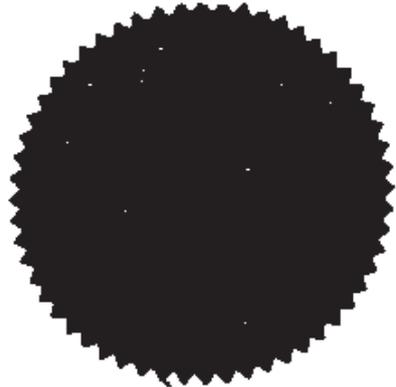
The Secretary of State hereby allows  
and confirms the foregoing Byelaws

GIVEN under the OFFICIAL Seal of the  
Carrick District Council  
this 20th day of  
August 1992

**Seal Ref: No.**

DO/6888 -

*Munich*



An Assistant Secretary in the  
Department of Transport

**BYELAWS MADE BY THE  
CARRICK DISTRICT  
COUNCIL**

IN RESPECT OF

**The Licensing of Boats,  
Boatmen and others within  
Penryn Harbour**

**For the licensing and regulating of Boats and Boatmen and the conduct of boatmen, ferrymen and others within Penryn Harbour Carrick District Council in exercise of the powers and authority vested in them by the Penryn Harbour Order 1870 to 1920 and of every other power in that behalf vested in them do make the following Byelaws:**

## **Part I - Preliminary**

### **1. Title and Commencement**

These Byelaws may be cited as the Penryn Harbour Licensing and Regulating of Boats and Boatmen Byelaws 1992 and shall come into operation on the expiration of 28 days after the date of confirmation and allowance thereof by the Secretary of State.

### **2. Application**

These Byelaws shall apply to all parts of the harbour, the limits of jurisdiction on which are set forth in the Schedule hereto and to the harbour premises as defined in Byelaw 3 hereof.

### **3. Interpretation**

(1) In these Byelaws unless the context otherwise requires:-

**“The Council”** means Carrick District Council or such other body or bodies as succeed to its powers or duties.

**“The Harbour Master”** means Harbour Master for the time being appointed by Carrick District Council and includes his duly authorised deputies and assistants.

**“The Harbour Premises”** means the docks, quays, jetties, stages and all other works, land and buildings for the first time being vested in or occupied or administered by the Council so far as all the foregoing are within the harbour.

**“Owner”** when used in relation to goods shall include any consignor, consignee, shipper or agent for the sale, custody, or control of such goods and when used in relation to any vessel shall include any part-owner, charterer, consignee or mortgagee in possession thereof, and any agent acting for or on behalf of any such owner, part-owner, charterer, consignee or mortgagee in possession.

**“Vessel”** includes any Ship, Boat, Lighter and Craft or every kind whether navigated by Steam or otherwise.

(2) Reference in these Byelaws to any Act whether public general or local or any Order made thereunder shall be construed as references to that Act or Order as amended by any other Act or Order.

## **Part II - General**

4. Licences will be granted in approved cases for a period of twelve months commencing on the First day of April in every year, provided that (a) the Council may at any time suspend or revoke the licence of a vessel not kept in compliance with the Byelaws; and (b) the Council may at any time suspend or revoke the licence of a Boatman convicted of an offence against these Byelaws.
5. Any Licence which is revoked or suspended or otherwise becomes void under these Byelaws must be returned as soon as reasonably practicable to the Council by the person to whom the licence was issued.

## **Part III - Licensing and Hiring of Vessels**

6. No Vessel shall be licensed under these Byelaws unless:
  - (a) It appears and is warranted by the owner to be in every part sound and in complete repair, clean and in a stable condition;
  - (b) It is properly equipped with all gear, tackle and other reasonable requisites for the safe management and navigation thereof;
  - (c) It has the vessel's name or number painted in letters or figures not less than one inch in height on a conspicuous part of the vessel.
  - (d) Every accident, defect, injury or damage is reported to the Harbour Master as soon as possible thereafter.
7. Every vessel licensed under these Byelaws shall be supplied with such life-saving appliances, fire extinguishers and other equipment and carry such licensed boatmen as may be prescribed and laid down from time to time by the Council.
8. Every licensed vessel shall be kept in compliance with these Byelaws and shall be open for inspection by the Harbour Master or any person authorised by him and any variation to the licensed condition shall be reported to the Harbour Master as soon as reasonably practicable.
9. The owner or person in charge of a licensed vessel shall at all times comply with the directions of the Harbour Master, these Byelaws, the conditions (including any conditions relating to the imposition of maximum charges) upon which licences are issued and the regulations of the Council for the time being in force.
10. The annual fee for the licence of any vessel shall be as specified by the Council from time to time.
11. The licence for any vessel shall become void upon the transfer of the ownership of that vessel.

## **maritime** services

12. The number of passengers which a vessel is licensed to carry shall be painted in the form of “Licensed to carry. . . persons including crew” and kept legible in such position inside the boat to make it most visible from without.
13. (1) The person in charge of a licensed vessel shall not whilst the same is carrying passengers for hire, carry a greater number of persons than is permitted by the vessel’s licence.  
  
(2) Notwithstanding the provisions of part (1) of this Byelaw licensed vessels shall not carry therein a greater number of persons than can safely be carried having regard to circumstances appertaining at the time of hire.
14. The licence may specify the limits of operation and points of embarkation and disembarkation of passengers of each licensed vessel and vessels licensed under these Byelaws shall not ply or be used for hire outside the limits and points of embarkation and disembarkation specified in the licence.
15. (1) No person shall let for hire or hold out or offer for hiring or suffer or permit to be let for hire or permit to carry passengers for hire any vessel to be used solely within the harbour or outside the harbour from within the harbour unless it is either:
  - (a) Licensed as in these byelaws provided; or
  - (b) Licensed by an Authority approved by the Council; or
  - (c) The subject of a valid Passenger Certificate issued by the Department of Transport.  
(2) In the case of 1(a) or 1(b) of this Byelaw the licence shall be produced by the person in charge of the vessel on demand to the Harbour master and to any person using, chartering, hiring or wishing to hire the vessel.  
  
(3) In the case of 1(c) of this Byelaw the Certificate shall be produced by the person in charge of the vessel on demand to the Harbour Master.
16. (1) The Owner of any vessel wishing to ply for hire or to carry passengers for hire shall take out and maintain a Passenger Liability Insurance Policy and a Policy against Third Party claims for such amount as shall be specified by the Council and Policies and Receipts for the Premiums shall be produced to the Harbour Master before a Boat Licence shall be issued.  
  
(2) In the event of the Insurance Policy lapsing the vessel’s Licence will become void.  
  
(3) The abovementioned Policy shall cover both the vessel and her crew against such claims.

## Part IV - Licensing of Boatmen

17. Unless he be licensed as provided in these Byelaws, no person shall be employed in charge of any vessel plying for hire or carrying passengers for hire or let for hire in or from the Penryn Harbour which vessel is required to be licensed under these Byelaws or which is required to hold a Department of Transport Passenger Certificate of Class V or VI.
18. No person under twenty years of age shall be licensed.
19. No person shall be granted a licence to take charge of the navigation of a vessel unless he has satisfied the Harbour Master of his capability and suitability to take charge of a vessel plying for hire, and he informs the Harbour Master when applying for a licence that he is in a good state of health.
20. Every person licensed as a boatman under these Byelaws shall, whilst so engaged, wear such badge as the Council shall from time to time require and the cost of such badge shall be paid by the boatman who has been licensed.
21. The annual fee for the licence of any person licensed under these Byelaws shall be as specified by the Council from time to time.
22. No person whether employed in or in control of any vessel plying for hire or carrying passengers for hire in or from within the harbour shall use threatening, abusive, indecent, obscene, profuse or offensive language or be guilty of offensive or other misconduct whilst so employed within the harbour premises.
23. Every licensed person shall at the request of
  - (a) any person who has hired or chartered him or applied to him for hire or chartered his vessel; or
  - (b) any Police Constable in the discharge of his duty; or
  - (c) the Harbour Master produce his licence and disclose his full name and place of residence.
24. Every licensed boatman whilst in charge of a vessel carrying any person or persons for hire or charter shall exercise proper skill and care in navigation and management or in the execution of his duties and take all precautions necessary to prevent danger or discomfort to such person or persons.

## **maritime** services

- 25.** No person in charge of or employed in a vessel plying for hire of carrying passengers for hire shall:-
- (a) Tout or importune any person to the annoyance of that person to hire or be carried for hire in any vessel;
  - (b) Suffer any person to embark in a vessel for the purpose of being carried for hire if:
    - (i) the person to be carried is drunk or disorderly and the vessel is being used for a pleasure excursion
    - (ii) by reason of the state of the weather the navigation and management of the vessel or the embarking or disembarking of the person may be attended by danger;
    - (iii) the vessel is not in every part thoroughly sound and in complete repair or is not properly furnished with all apparatus requisite for the safe navigation and management thereof and with proper life-saving appliances;
    - (iv) the number of competent persons employed is insufficient for the time being for the safe navigation and management of the vessel.
  - (c) Cause or suffer any incompetent person to assume control of the vessel or to assist (except junior members of the crew under training and then only under supervision) in the navigation or management thereof at any time when the boat or vessel is carrying any person for hire.

## **Part V - Penalties**

- 26.** Every person who shall make default or breach in the performance or observance of or offend against or contravene any of these Byelaws shall for every such default breach or offence be liable on conviction before a Court of summary jurisdiction, to a fine as follows:
- (a) in respect of an offence under byelaw 20, not exceeding level 2 on the standard scale
  - (b) in respect of an offence under all other byelaws not, exceeding level 3 on the standard scale

and it is expressly declared that the imposition and payment of any penalty shall not affect the liability for any person or vessel to answer in damages for any injury to any person on property arising from such default breach or offence as aforesaid.

## Part VI - Savings etc

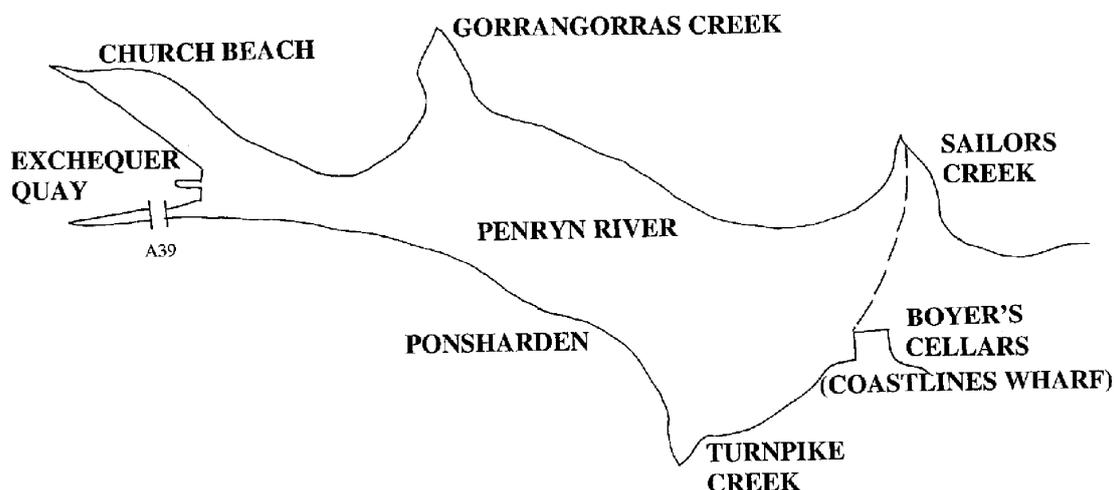
27. Nothing in these Byelaws shall prejudice or affect any Byelaw contained in the Harbour (General) Byelaws 1992 made by the Council and confirmed by the Secretary of State for the protection and regulation of navigation within the harbour and for regulating vessels using the harbour.

## Part VII - Revocation

28. The Penryn Harbour Licensing and Regulating of Boats and Boatmen Byelaws 1967 are hereby revoked.

### THE SCHEDULE REFERRED TO IN THE FOREGOING BYELAWS

“All that part of the Penryn River lying to the north-west of an imaginary line drawn from Boyer’s Cellars to Sely’s Creek, commonly called Sailors Creek, in the Parish of Mylor and County of Cornwall, being the line forming the north-western boundary of the Municipal Borough of Falmouth”.



GIVEN under the Common Seal of the  
Carrick District Council  
this 29th day of June 1992

*Rosamund T. Coe*

Chairman

*J.P. Sullivan*

The Chief Solicitor  
Administrative Services Officer



The Secretary of State hereby allows  
and confirms the foregoing Byelaws

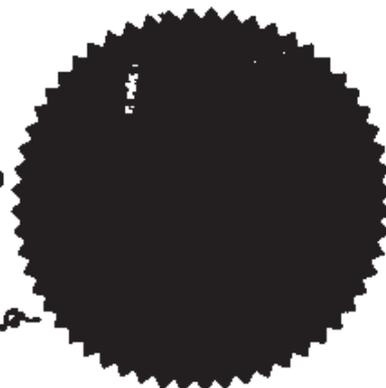
GIVEN under the OFFICIAL Seal of the  
Carrick District Council  
this 20th day of  
August 1992

Seal Ref: No,

00/6889.

*MW Julia*

An Assistant Secretary in the  
Department of Transport



## For help and advice contact:

Harbour Office, Town Quay, Truro TR1 2HJ

Tel: **01872 224231** or **272130**

Fax: **01872 225346**

email: [abrigden@carrick.gov.uk](mailto:abrigden@carrick.gov.uk)

Web: [www.portoftruro.co.uk](http://www.portoftruro.co.uk)

(weekdays between 08.30 - 17.30)

**Tel: 01872 224400** (out of hours)

## Other useful contacts:

Penryn Harbour Office

Exchequer Quay

Penryn

TR10 8LS

Tel: 01326 373352

*If you require this document in an alternate format please contact **01872 224231**. Please be aware this may incur a short delay.*

### Carrick District Council

Carrick House, Pydar Street  
Truro TR1 1EB

**Tel 01872 224400**

**Fax 01872 242104**

email [comment@carrick.gov.uk](mailto:comment@carrick.gov.uk)

[www.carrick.gov.uk](http://www.carrick.gov.uk)

