

maritime

BYELAWS

For the protection & regulation of navigation within Truro Harbour and Penryn Harbour.
Made under Section 83 of The Harbour Docks and Piers Clauses Act 1847 and The Truro & Penryn Harbour Orders.



**BYELAWS MADE BY THE
CARRICK DISTRICT
COUNCIL**

IN RESPECT OF

Truro Harbour

The Carrick District Council in exercise of the powers conferred by Section 83 of The Harbour Docks and Piers Clauses Act 1847 and the Truro Harbour Orders 1883 to 1928 and Regulation 43 of the Dangerous Substances in Harbour Areas Regulations 1987 and of every other power in that behalf vested in them makes the following Byelaws for the protection and regulation of navigation within Truro Harbour and for regulating vessels using the Harbour.

PART I - PRELIMINARY

1. TITLE AND COMMENCEMENT

These byelaws may be cited as the Truro Harbour (General) Byelaws 1992 and shall come into operation on the expiration of 28 days from the date of confirmation 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 by byelaw 3 hereof.

3. INTERPRETATION

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

“Collision Regulations” means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979.

“the Council” means Carrick District Council or such other body or bodies which may succeed to its powers or duties.

“Fire brigade” means the fire brigade provided under Section 1 of the Fire Services Act 1947 for the area in which the harbour is situated.

“goods” means all articles and merchandise of every description and includes fish, livestock, animals and birds.

“the Harbour Master” means the person appointed by the Council and includes his authorised deputies, assistants and any other person authorised by the Council to act in that capacity.

“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.

“houseboat” means any vessel used, or intended to be used for human habitation, but shall not include any ship registered under the Merchant Shipping Act 1894 or any boat or vessel bona fide used for navigation.

“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 includes any other person in charge of the 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 (and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being).

"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" or **"small craft"** means any vessel or craft of less than 20 metres in length or a sailing vessel and for the purposes of this definition "sailing vessel" means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion.

"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 vehicle.

"Vessel" includes any ship, boat, raft or water craft of any description and includes nondisplacement craft, seaplanes, and any other thing constructed or adapted for floating on or being submerged in water, (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

- (2) Reference in these Byelaws to any Act whether public or general 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 - NAVIGATION

4. SMALL VESSELS - DISPLAY OF LIGHTS

The requirement under Rule 30(b) of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 for vessels of less than 50 metres in length to display an all-round white light when at anchor shall not apply to small vessels which are secured to permanent yacht moorings in the Harbour but such vessels shall, if required to do so by the Harbour Master display such a light.

5. VESSEL MOVEMENTS

The master of a seagoing vessel shall give prior notice to the Harbour Master of the vessel's arrival at, departure from, or movement within the harbour.

6. DECLARATION OF PARTICULARS OF VESSEL

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 the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo, and such other particulars of the vessel and its voyage as may be reasonably required.

7. VESSELS TO BE NAVIGATED WITH CARE AND CAUTION

- (1) Every vessel navigating in the harbour shall be navigated with care and caution and at such a speed and in such manner as not to be liable to endanger the lives of or cause injury to persons or endanger the safety of or cause damage to other vessels or any mooring or any structures or oyster beds or to the banks of the harbour or any other property.
- (2) Special care and caution shall be used in navigating vessels when passing other vessels whether moored or under way and in the neighbourhood of public swimming and bathing places.

8. SPEED OF VESSELS

- (1) Except with the permission of the Harbour Master and subject to byelaw 7 and the "Collision Regulations", the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than:
 - (a) 8 knots above Turnaware Bar Starboard hand buoy
 - (b) 5 knots west of an imaginary line between Greatwood Quay and the eastern side of Lighterage Quay, Mylor

provided that this byelaw shall not apply to the master of any vessel belonging to H M Forces, The Royal National Lifeboat Institution, HM Customs, or Police.

- (2) For the purpose of this byelaw it shall be deemed to be a reasonable excuse to exceed such speed if.
 - (a) the speed at which a master navigated his vessel was reasonably necessary having regard to the fact that he was assisting or offering to assist in any emergency arising from illness, accident, collision, fire or other circumstances which might reasonably be expected to involve danger to persons or property; or
 - (b) the master of the vessel being employed in the service of the Council, navigated the vessel at a speed which was reasonably necessary to perform his duties or any of them.

9. SMALL CRAFT AND PRIVATE MOORINGS

- (1) The master of a small craft under power shall not navigate in the small craft moorings area except in a recognised channel or to such an extent as may be necessary to proceed to and from a mooring or a landing place inside such areas.
- (2) The masters of all vessels must proceed with care and caution and at slow speed in and near such areas.

10. SMALL VESSELS NOT TO OBSTRUCT FAIRWAY

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.

11. PUBLIC LANDING PLACES NOT TO BE OBSTRUCTED

The master of a vessel navigating in the harbour shall not place his vessel or allow it to be in such a situation as to obstruct or interfere with the access to any recognised landing place or leave it moored alongside any such landing place unattended without the permission of the person in charge thereof.

12. CONDUCT OF REGATTAS ETC

- (1) The Organiser of any boat race, regatta or other occasion when a number of small craft is expected to assemble on the waters of the harbour shall give not less than fourteen days' notice thereof to the Harbour Master.
- (2) All regattas, races or similar events shall be conducted on course in accordance with conditions and at times previously approved by the Harbour Master.
- (3) The Harbour Master may cancel or alter any conditions of such approval on giving where reasonably practicable notice to the Organiser at least seven days before the proposed date of the event.

13. SMALL CRAFT TO AVOID REGATTAS ETC

- (1) The master of every small craft in the harbour on the occasion of any boat race, regatta, public procession or other occasion when a number of small craft is assembled therein shall not permit his small craft to pass therein so as to obstruct, impede or interfere with the boat race, regatta or procession or endanger the safety of persons assembling in the harbour or prevent the maintenance of order therein and the masters of small craft shall observe the directions of the Harbour Master or other persons authorised by the Council to superintend the execution of this byelaw.
- (2) The byelaw shall not prevent the application of the Collision Regulations when any vessels come within risk of collision.

14. INTERFERING WITH BUOYS ETC. FORBIDDEN

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

15. DIVING FROM VESSELS

- (1) No person shall undertake underwater operations or diving activities of any kind within the harbour without the prior written consent of the Harbour Master.
- (2) No person shall dive from a vessel within the harbour unless there is a lookout in the vessel at all times whilst such person is in the water.
- (3) Whilst any person is diving from a vessel, the lookout remaining shall ensure that there is exhibited on the vessel a rigid replica of the International Code Flag 'A' not less than one metre in height. Measures shall be taken to ensure all-round visibility.

- (4) In this byelaw "diving" means that form of diving known as sub-aqua diving and "dive" shall be construed accordingly.

16. APPROACHING CRAFT ENGAGED IN DREDGING OR OTHER UNDER WATER WORK

The master of a vessel shall at all times, except when it is impracticable to do so, give a wide berth to any dredger, hopper, tug or survey craft and shall navigate at dead slow speed when passing dredgers or diving boats.

17. NOTIFICATION OF COLLISIONS, ETC.

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 of a fairway;

shall as soon as reasonably practicable report the occurrence to the Harbour Master and as soon as possible thereafter provide the Harbour Master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness, 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.

18. VESSELS ADRIFT

The master of a vessel which parts from its mooring shall as soon as reasonably practicable report the same to the Harbour Master.

19. OBSTRUCTIONS TO NAVIGATION

Every person within the harbour who finds any buoy, beacon, timber or other article being of a size and nature likely to impede or obstruct navigation, adrift or loose in the harbour or having reasonable grounds for believing that any buoy, beacon, timber or other such article is adrift or loose in the harbour shall, as soon as reasonably practicable report the facts to the Harbour Master.

PART III - BERTHING AND MOORING

20. PROVISION OF PROPER FENDERS

The master and the owner of a 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 fendered off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

21. VESSELS TO BE PROPERLY BERTHED

The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at a quay.

22. VESSELS TO BE MOORED ETC. AS DIRECTED

The master and crew of a vessel in the harbour shall moor, anchor, place, load, unload or move and shall cease to moor, anchor, place, load, unload or move such vessel in accordance with the directions from time to time given by the Harbour Master.

23. ACCESS TO AND EGRESS FROM VESSELS

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.

24. SUFFICIENCY OF CREW

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 unmooring, mooring and moving of his vessel, and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

25. VESSELS TO BE KEPT IN A MOVABLE CONDITION

- (1) The master of a seagoing 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 to aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.
- (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 as soon as reasonably practicable and give to him any further information which the Harbour Master may reasonably require.

26. USE OF ENGINES WHILE VESSEL MOORED OR BERTHED

The master of a vessel which is at a quay or attached to any mooring device shall not permit the engine 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.

27. VESSELS NOT TO MAKE FAST TO UNAUTHORISED OBJECTS

No person shall make a vessel fast to any post, ring, fender or any other thing or to any quay or other place not assigned for that purpose by the Harbour Master as suitable for making fast the vessel concerned.

28. ACCESS ACROSS DECKS

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

29. LOST ANCHOR, CABLE PROPELLER OR RUDDER

- (1) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable, propeller or rudder shall as soon as reasonably practicable give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable, propeller or rudder and, if the Harbour Master so directs, shall cause it to be recovered as soon as reasonably practicable at the expense of the owner of the vessel.
- (2) The master of a vessel slipping or parting from an anchor, chain, cable, propeller or rudder shall leave a buoy to mark the position thereof.
- (3) If the master of a vessel does not comply with a direction made under paragraph (1) above, the Harbour Master may cause the anchor, chain, cable, propeller or rudder to be recovered.
- (4) Where the Harbour Master has caused an anchor, chain, cable, propeller, or rudder to be recovered under paragraph (3) above, he may cause any such anchor, chain, cable, propeller or rudder to be sold in such manner as he thinks fit and may out of the proceeds of sale retain the reasonable expenses incurred by him in the exercise of his powers under paragraph (3) above, and shall pay the surplus, if any, to the owner of the vessel.
- (5) If the proceeds of sale under paragraph (4) above are insufficient to pay the Harbour Master's reasonable expenses, he may recover any such expenses which are not reimbursed out of the proceeds of sale, or if there is no sale the whole of those expenses, from the owner of the vessel as a civil debt due to the Council.

30. VESSEL NOT TO ANCHOR OR REMAIN IN SWINGING GROUNDS

A vessel shall not without permission of the Harbour Master be placed or remain in such a position as to obstruct or interfere with the turning of vessels in any areas set aside as swinging grounds.

31. VESSELS TO ANCHOR CLEAR OF MOORINGS

The master of any vessel shall not anchor that vessel so close to any buoy or mooring as to foul in any way such buoy or mooring or any vessel lying thereto.

32. UNMOORING OF VESSELS

- (1) No persons, except the Harbour Master acting in pursuance of his duties, shall, for any purpose whatsoever, unmoor or cast off or loose any mooring of any vessel moored within the harbour, without the previous permission of the owner or lawful master of such vessel and no person shall for any purpose whatsoever cast adrift any vessel, without the previous consent of both the owner of such vessel and the Harbour Master.
- (2) If the Court before whom any proceedings are taken under this byelaw is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner of the vessel would in the circumstances have given his consent if he had been asked therefore, the accused shall not be liable to be convicted for the offence.

33. EXTRA VESSELS AT MOORINGS

A person shall not secure a vessel to a mooring or to any moored vessel so as to cause danger or damage to any vessel or mooring.

34. FOULING OF MOORINGS ETC

If at any time an anchor of a vessel fouls any moorings or electric or other cables within the harbour, the master of the vessel shall as soon as reasonably practicable give notice thereof to the Harbour Master and shall, if it is safe and practicable, await his instruction before proceeding to clear the same.

PART IV - GOODS AND ROAD TRAFFIC

35. "EXPLOSIVES" AND "NO-SMOKING" SIGNS

The master of every vessel within the Port loading, unloading or having on board explosives or dangerous goods (including highly flammable goods) shall display "Explosives" and "No Smoking" signs as relevant in a prominent position in the vessel. This is without prejudice to any obligations to display signs and flags under the Dangerous Substances in Harbour Areas Regulations 1987 and subsequent statutes.

36. REQUIREMENTS AS TO HANDLING AND MOVEMENT OF GOODS IN THE HARBOUR

- (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.

37. PRECAUTIONS TO BE TAKEN IN LOADING AND DISCHARGING

The master of a vessel shall not load or discharge any cargo, ballast or fuel, any part of which is liable to fall into the harbour without taking such precautions by affixing canvas or tarpaulin or other suitable matter or thing as shall effectively prevent any such cargo, ballast or fuel from falling into the harbour.

38. OBSTRUCTION OR INTERFERENCE AT HARBOUR PREMISES

No person 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 operate any plant, machinery, equipment or apparatus at the harbour premises.

39. SAFE DRIVING OF VEHICLE

No person 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.

40. SPEED LIMIT FOR VEHICLES

No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 10 miles per hour.

41. SUPERVISION OF VEHICLES

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 the 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.

42. LOADS NOT TO SPILL OR DROP

The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

43. LOADS TO BE SECURED

The owner 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 the weight of goods to be so carried as are applicable on public roads.

44. REFUELLING ETC. OF VEHICLES

No person shall within the harbour premises charge or recharge any vehicle with, or empty it of, fuel except with the permission of the Harbour Master.

45. DRIVING ON WEIGHBRIDGES

No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

46. ACCIDENTS TO BE REPORTED

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 and shall give his name and address to the Harbour Master as soon as reasonably practicable. Such reporting is without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985.

47. GOODS ETC LEFT ON HARBOUR PREMISES

- (1) No person shall leave any goods, stores, equipment, boats, cranes etc on any part of the harbour premises without prior consent of the Harbour Master and in accordance with such conditions as he may impose.
- (2) Any goods, stores, equipment, boats, cranes etc. shall as soon as reasonably

practicable be removed by its owner or any other person claiming possession of it if the Harbour Master so directs.

- (3) If a person fails to comply with a direction made under paragraph (2) above, the Harbour Master may cause the goods, stores, equipment, boats, cranes etc. to be removed and he may recover the expenses of so doing, where reasonably incurred, from that person as a civil debt due to the Council.

PART V - GENERAL

48. INSPECTION BY HARBOUR MASTER

The master and owner of a vessel within the harbour shall whenever so required by the Harbour Master afford him access to any part of the vessel and all reasonable facilities for the inspection of the vessel in order that the Harbour Master may ascertain whether these byelaws are being observed.

49. NAVIGATING WHILST UNDER THE INFLUENCE OF DRINK OR DRUGS

A person shall not navigate any vessel within 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.

50. FIRE PRECAUTIONS

- (1) For the prevention of damage or injury to vessels or goods in the harbour, the master of every sea-going vessel (other than small craft not otherwise required by any statute or regulation to have on board fire-fighting equipment and a fire-fighting crew) shall, unless exempted by the Harbour Master, at all times maintain efficient fire-fighting equipment and sufficient crew on board to fight fires and to shift the vessel if required by the Harbour Master. Fire-fighting equipment required by any statute or regulation shall always be kept in a state of readiness and any deficiencies in fire-fighting equipment shall be reported as soon as reasonably practicable to the Harbour Master.
- (2) In the case of an outbreak of fire on board a ship within the Harbour, the master of the ship shall take immediate action with the ship's fire-fighting equipment and ensure that the Fire Brigade and Harbour Master shall be notified at the earliest possible moment and also give warning by the continual sounding of the ship's whistle.

51. FIRE AND NAKED LIGHTS IN THE HARBOUR

- (1) No person shall within the harbour, contrary to the directions of the Harbour Master, heat any pitch, tar, tallow or other flammable matter or have or allow any fire or naked light in any place other than for the immediate ignition of any authorised light or fire or (subject to Byelaw 52) for the purpose of smoking.
- (2) On the direction of the Harbour Master any naked lights or fires must be extinguished immediately.

52. SMOKING WITHIN THE HARBOUR

No Person shall smoke within the harbour or harbour premises if requested by an officer of the Council not to do so.

53. ASSISTANCE TO FIRE AND OTHER SERVICES

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.

54. VESSELS NOT TO BE FUMIGATED WITHOUT PERMISSION

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

55. LAYING DOWN MOORINGS, BUOYS AND OTHER TACKLE

- (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or prior written consent 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 as soon as reasonably practicable be removed by its owner or any other person claiming possession of it, if the Harbour Master so directs.
- (3) If a person fails to comply with a direction made under paragraph (2) above, the Harbour Master may cause the mooring buoy or similar tackle to be removed and he may recover the expenses of so doing where reasonably incurred from that person as a civil debt due to the Council.

56. RELOCATION OF MOORINGS

The owner or other person in charge of a private mooring shall on the instruction of the Harbour Master remove it from the harbour or to a new position therein.

57. DRIFT OR TRAWLING NETS NOT TO OBSTRUCT VESSELS

No person 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.

58. CRAB, LOBSTER AND STORE POTS

- (1) No person shall keep on any recognised fairway in the harbour any crab, lobster or store pot.
- (2) In any other part of the harbour no person shall keep a crab, lobster or store pot unless such pot is clearly marked by a marker buoy to which is affixed a standard rising at least three feet above the surface of the water, with a flag attached to the head of the standard.
- (3) Any such crab, lobster or store pot in the harbour not clearly marked as in paragraph (2) above shall be removed from the harbour as soon as reasonably practicable.

59. DREDGING FOR LOST OBJECTS

A person shall not, without the permission of the Harbour Master, dredge in the harbour with drags, hooks, nets or other apparatus for moorings or other property dropped or thrown into the harbour.

60. RADIOACTIVE AND FISSILE MATERIAL

No person shall bring into the harbour any radioactive or fissile material except with the permission in writing of the Harbour Master first obtained and under conditions imposed by him.

61. SILENCERS

A person shall not use a vessel propelled by an internal combustion engine unless the engine is fitted with a silencer suitable and sufficient for reducing, as far as may be reasonable, the noise caused by the escape of the exhaust gases from the engine.

62. DIGGING BALLAST ETC

No person shall without permission in writing of the Harbour Master first obtained, dig or take from any part of the harbour or from any land belonging to the harbour, any ballast, soil, sand or other material whatsoever.

63. DIGGING OF BAIT

No person shall in any part of the harbour dig for lugworm, ragworm or any form of fishing bait within 20 feet of any mooring, pile, beacon, mark, hard, causeway, jetty, quay, wharf or similar structure.

64. LIFESAVING EQUIPMENT

No person shall use any equipment provided by the Council for the purpose of lifesaving except for that purpose.

65. HOUSEBOATS

The master of a houseboat shall not keep his houseboat in the harbour without the written consent of the Harbour Master, and such consent shall specify the date upon which it shall cease to have effect.

66. VESSELS TO HAVE NAMES MARKED ON THEM

The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 or Merchant Shipping Act 1983 or fishing vessels registered under Part II of the Merchant Shipping Act 1988 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification, unless otherwise exempted by the Council.

67. ABANDONMENT OF VESSELS PROHIBITED

- (1) No person shall abandon a vessel on the banks or shores 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.

68. VESSELS NOT TO BE DESTROYED

Subject to the provisions and requirements of Part IX of the Merchant Shipping Act 1894, no owner, master or other person shall set on fire, destroy or attempt to break up, or cause to be broken up, any vessel or wreck of a vessel within the harbour, without the permission in writing of the Harbour Master first being obtained.

69. WATER SKIING, AQUAPLANING ETC

- (1) No person shall engage or take part in water skiing or aquaplaning except with the written permission of the Harbour Master, 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 by the Harbour Master.
- (2) A master, whilst using his vessel for the purpose of towing a water skier or a person aquaplaning, 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) two hand held distress signals, a fire extinguisher, and for each person on board, a lifejacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Ship and Boat Builders National Federation Approved Type.
 - (b) for each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without the written permission of the Harbour Master given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Harbour Master.

70. JET SKIS, JET BIKES ETC

No person shall engage or take part in jet skiing etc. except with the written permission of the Harbour Master 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 by the Harbour Master.

71. DOGS

Every person having any dog in the harbour or harbour premises must keep the same at all times under proper control, so as to avoid any annoyance, nuisance, or damage to persons or property.

72. PROPERTY FOUND

Every person who shall find within the harbour or harbour premises any article or thing which shall have been dropped, lost or mislaid shall inform the Harbour Master thereof without delay unless the true owner can immediately be found.

73. SELLING ARTICLES OF MERCHANDISE OR TOUTING

No person except a tenant of the Council or a person having permission of the Harbour Master in that behalf, shall on the harbour premises, retail or offer for sale any article or merchandise whatsoever or tout or ply for or solicit custom or employment of any description.

74. OBSTRUCTING THE COUNCIL SERVANTS AND OTHERS

No person shall obstruct, molest, threaten or interrupt the Harbour Master or any other officer, workman, agent or person whomsoever employed by the Council in the performance of his duty or in the execution of any work, matters or things to be done by him.

75. REMOVAL OF OFFENDERS

Any person committing or continuing to commit, a breach of any byelaw, after once having received warning at any time from the Harbour Master or his representative may be removed from the harbour and be excluded therefrom without prejudice to his liabilities for penalties incurred.

76. PENALTIES

(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

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| (a) in respect of an offence under byelaws 7 and 49 | not exceeding Level 4 on standard scale |
| (b) in respect of an offence under byelaws 23, 65, 66 and 71 | not exceeding Level 2 on standard scale |
| (c) in respect of an offence made under all other byelaws | not exceeding Level 3 on standard scale |

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

maritime services

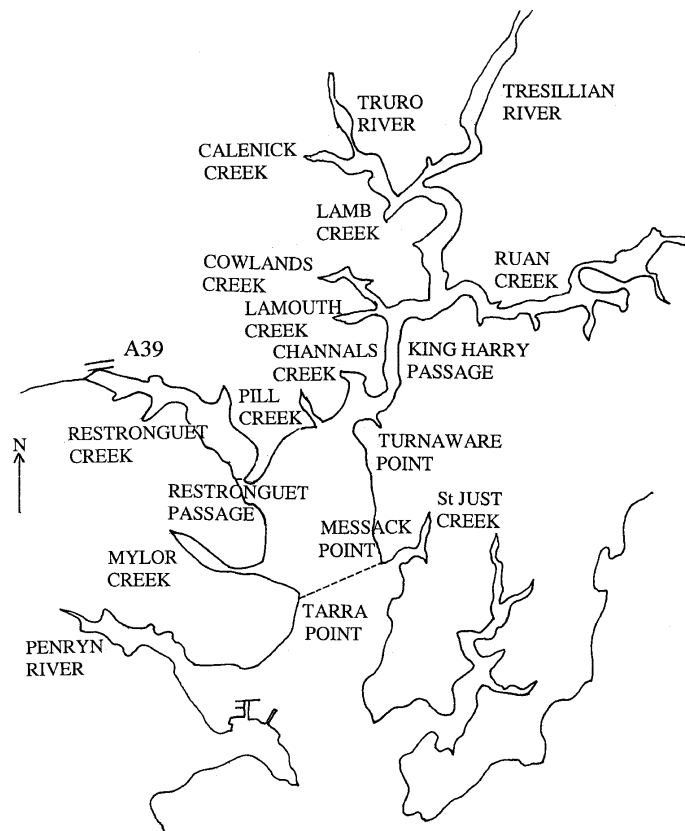
- (4) If in any case the defence provided by paragraph (3a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, within a period 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.
- (5) This Byelaw shall not apply to offences against Byelaw 60.

77. REVOCATION

The Truro Harbour (General) 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

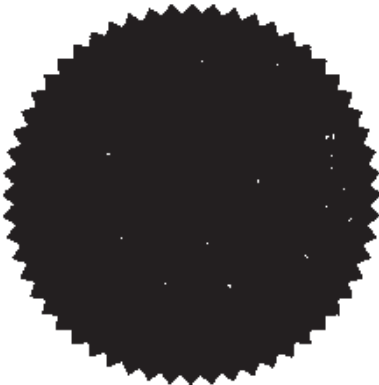
Rosamund T. Cox
Chairman



J. P. McKerrall

The Chief Solicitor and
Administrative Services Officer

The Secretary of State for Transport after
consultation with the Health and Safety
Commission in respect of Byelaw 60 hereby
allows and confirms the foregoing byelaws



GIVEN under the OFFICIAL SEAL of the
Secretary of State
this 20th day of November 1992

M. J. Jackson

An Assistant Secretary in the
Department of Transport

DO/7024

**BYELAWS MADE BY THE
CARRICK DISTRICT
COUNCIL**

IN RESPECT OF

Penryn Harbour

The Carrick District council in exercise of the powers conferred by Section 83 of The Harbour Docks and Piers Clauses Act 1847 and the Penryn Harbour Orders 1870 to 1920 and Regulation 43 of the Dangerous Substances in Harbour Areas Regulations 1987 and of every other power in that behalf vested in them makes the following Byelaws for the protection and regulation of navigation within Penryn Harbour and for regulating vessels using the Harbour.

PART I - PRELIMINARY

1. TITLE AND COMMENCEMENT

These byelaws may be cited as the Penryn Harbour (General) Byelaws 1992 and shall come into operation on the expiration of 28 days from the date of confirmation 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 by byelaw 3 hereof.

3. INTERPRETATION

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

"Collision Regulations" means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979.

"the Council" means Carrick District Council or such other body or bodies which may succeed to its powers or duties.

"Fire brigade" means the fire brigade provided under Section 1 of the Fire Services Act 1947 for the area in which the harbour is situated.

"goods" means all articles and merchandise of every description and includes fish, livestock, animals and birds.

"the Harbour Master" means the person appointed by the Council and includes his authorised deputies, assistants and any other person authorised by the Council to act in that capacity.

"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.

"houseboat" means any vessel used, or intended to be used for human habitation, but shall not include any ship registered under the Merchant Shipping Act 1894 or any boat or vessel bona fide used for navigation.

"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 includes any other person in charge of the 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 (and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being).

"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" or **"small craft"** means any vessel or craft of less than 20 metres in length or a sailing vessel and for the purposes of this definition "sailing vessel" means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion.

"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 vehicle.

"Vessel" includes any ship, boat, raft or water craft of any description and includes nondisplacement craft, seaplanes, and any other thing constructed or adapted for floating on or being submerged in water, (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

- (2) Reference in these Byelaws to any Act whether public or general 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 - NAVIGATION

4. SMALL VESSELS - DISPLAY OF LIGHTS

The requirement under Rule 30(b) of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 for vessels of less than 50 metres in length to display an all-round white light when at anchor shall not apply to small vessels which are secured to permanent yacht moorings in the Harbour but such vessels shall, if required to do so by the Harbour Master display such a light.

5. VESSEL MOVEMENTS

The master of a seagoing vessel shall give prior notice to the Harbour Master of the vessel's arrival at, departure from, or movement within the harbour.

6. DECLARATION OF PARTICULARS OF VESSEL

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 the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo, and such other particulars of the vessel and its voyage as may be reasonably required.

7. VESSELS TO BE NAVIGATED WITH CARE AND CAUTION

- (1) Every vessel navigating in the harbour shall be navigated with care and caution and at such a speed and in such manner as not to be liable to endanger the lives of or cause injury to persons or endanger the safety of or cause damage to other vessels or any mooring or any structures or oyster beds or to the banks of the harbour or any other property.
- (2) Special care and caution shall be used in navigating vessels when passing other vessels whether moored or under way and in the neighbourhood of public swimming and bathing places.

8. SPEED OF VESSELS

- (1) Except with the permission of the Harbour Master and subject to byelaw 7 and the "Collision Regulations", the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than eight knots, provided that this byelaw shall not apply to the master of any vessel belonging to HM Forces, The Royal National Lifeboat Institution, HM Customs, or Police.
- (2) For the purpose of this byelaw it shall be deemed to be a reasonable excuse to exceed such speed if:
 - (a) the speed at which a master navigated his vessel was reasonably necessary having regard to the fact that he was assisting or offering to assist in any emergency arising from illness, accident, collision, fire or other circumstances which might reasonably be expected to involve danger to persons or property; or
 - (b) the master of the vessel being employed in the service of the Council, navigated the vessel at a speed which was reasonably necessary to perform his duties or any of them.

9. SMALL CRAFT AND PRIVATE MOORINGS

- (1) The master of a small craft under power shall not navigate in the small craft moorings area except in a recognised channel or to such an extent as may be necessary to proceed to and from a mooring or a landing place inside such areas.
- (2) The masters of all vessels must proceed with care and caution and at slow speed in and near such areas.

10. SMALL VESSELS NOT TO OBSTRUCT FAIRWAY

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.

11. PUBLIC LANDING PLACES NOT TO BE OBSTRUCTED

The master of a vessel navigating in the harbour shall not place his vessel or allow it to be in such a situation as to obstruct or interfere with the access to any recognised landing place or leave it moored alongside any such landing place unattended without the permission of the person in charge thereof.

12. CONDUCT OF REGATTAS ETC

- (1) The Organiser of any boat race, regatta or other occasion when a number of small craft is expected to assemble on the waters of the harbour shall give not less than fourteen days' notice thereof to the Harbour Master.
- (2) All regattas, races or similar events shall be conducted on course in accordance with conditions and at times previously approved by the Harbour Master.
- (3) The Harbour Master may cancel or alter any conditions of such approval on giving where reasonably practicable notice to the Organiser at least seven days before the proposed date of the event.

13. SMALL CRAFT TO AVOID REGATTAS ETC

- (1) The master of every small craft in the harbour on the occasion of any boat race, regatta, public procession or other occasion when a number of small craft is assembled therein shall not permit his small craft to pass therein so as to obstruct, impede or interfere with the boat race, regatta or procession or endanger the safety of persons assembling in the harbour or prevent the maintenance of order therein and the masters of small craft shall observe the directions of the Harbour Master or other persons authorised by the Council to superintend the execution of this byelaw.
- (2) The byelaw shall not prevent the application of the Collision Regulations when any vessels come within risk of collision.

14. INTERFERING WITH BUOYS ETC. FORBIDDEN

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

15. DIVING FROM VESSELS

- (1) No person shall undertake underwater operations or diving activities of any kind within the harbour without the prior written consent of the Harbour Master.
- (2) No person shall dive from a vessel within the harbour unless there is a lookout in the vessel at all times whilst such person is in the water.
- (3) Whilst any person is diving from a vessel, the lookout remaining shall ensure that there is exhibited on the vessel a rigid replica of the International Code Flag 'A' not less than one metre in height. Measures shall be taken to ensure all-round visibility.

- (4) In this byelaw "diving" means that form of diving known as sub-aqua diving and "dive" shall be construed accordingly.

16. APPROACHING CRAFT ENGAGED IN DREDGING OR OTHER UNDER WATER WORK

The master of a vessel shall at all times, except when it is impracticable to do so, give a wide berth to any dredger, hopper, tug or survey craft and shall navigate at dead slow speed when passing dredgers or diving boats.

17. NOTIFICATION OF COLLISIONS, ETC.

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 of a fairway;

shall as soon as reasonably practicable report the occurrence to the Harbour Master and as soon as possible thereafter provide the Harbour Master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness, 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.

18. VESSELS ADRIFT

The master of a vessel which parts from its mooring shall as soon as reasonably practicable report the same to the Harbour Master.

19. OBSTRUCTIONS TO NAVIGATION

Every person within the harbour who finds any buoy, beacon, timber or other article being of a size and nature likely to impede or obstruct navigation, adrift or loose in the harbour or having reasonable grounds for believing that any buoy, beacon, timber or other such article is adrift or loose in the harbour shall, as soon as reasonably practicable report the facts to the Harbour Master.

PART III - BERTHING AND MOORING

20. PROVISION OF PROPER FENDERS

The master and the owner of a 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 fendered off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

21. VESSELS TO BE PROPERLY BERTHED

The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at a quay.

22. VESSELS TO BE MOORED ETC. AS DIRECTED

The master and crew of a vessel in the harbour shall moor, anchor, place, load, unload or move and shall cease to moor, anchor, place, load, unload or move such vessel in accordance with the directions from time to time given by the Harbour Master.

23. ACCESS TO AND EGRESS FROM VESSELS

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.

24. SUFFICIENCY OF CREW

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 unmooring, mooring and moving of his vessel, and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

25. VESSELS TO BE KEPT IN A MOVABLE CONDITION

- (1) The master of a seagoing 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 to aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.
- (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 as soon as reasonably practicable and give to him any further information which the Harbour Master may reasonably require.

26. USE OF ENGINES WHILE VESSEL MOORED OR BERTHED

The master of a vessel which is at a quay or attached to any mooring device shall not permit the engine 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.

27. VESSELS NOT TO MAKE FAST TO UNAUTHORISED OBJECTS

No person shall make a vessel fast to any post, ring, fender or any other thing or to any quay or other place not assigned for that purpose by the Harbour Master as suitable for making fast the vessel concerned.

28. ACCESS ACROSS DECKS

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

29. LOST ANCHOR, CABLE PROPELLER OR RUDDER

- (1) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable, propeller or rudder shall as soon as reasonably practicable give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable, propeller or rudder and, if the Harbour Master so directs, shall cause it to be recovered as soon as reasonably practicable at the expense of the owner of the vessel.
- (2) The master of a vessel slipping or parting from an anchor, chain, cable, propeller or rudder shall leave a buoy to mark the position thereof.
- (3) If the master of a vessel does not comply with a direction made under paragraph (1) above, the Harbour Master may cause the anchor, chain, cable, propeller or rudder to be recovered.
- (4) Where the Harbour Master has caused an anchor, chain, cable, propeller, or rudder to be recovered under paragraph (3) above, he may cause any such anchor, chain, cable, propeller or rudder to be sold in such manner as he thinks fit and may out of the proceeds of sale retain the reasonable expenses incurred by him in the exercise of his powers under paragraph (3) above, and shall pay the surplus, if any, to the owner of the vessel.
- (5) If the proceeds of sale under paragraph (4) above are insufficient to pay the Harbour Master's reasonable expenses, he may recover any such expenses which are not reimbursed out of the proceeds of sale, or if there is no sale the whole of those expenses, from the owner of the vessel as a civil debt due to the Council.

30. VESSEL NOT TO ANCHOR OR REMAIN IN SWINGING GROUNDS

A vessel shall not without permission of the Harbour Master be placed or remain in such a position as to obstruct or interfere with the turning of vessels in any areas set aside as swinging grounds.

31. VESSELS TO ANCHOR CLEAR OF MOORINGS

The master of any vessel shall not anchor that vessel so close to any buoy or mooring as to foul in any way such buoy or mooring or any vessel lying thereto.

32. UNMOORING OF VESSELS

- (1) No persons, except the Harbour Master acting in pursuance of his duties, shall, for any purpose whatsoever, unmoor or cast off or loose any mooring of any vessel moored within the harbour, without the previous permission of the owner or lawful master of such vessel and no person shall for any purpose whatsoever cast adrift any vessel, without the previous consent of both the owner of such vessel and the Harbour Master.
- (2) If the Court before whom any proceedings are taken under this byelaw is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner of the vessel would in the circumstances have given his consent if he had been asked therefore, the accused shall not be liable to be convicted for the offence.

33. EXTRA VESSELS AT MOORINGS

A person shall not secure a vessel to a mooring or to any moored vessel so as to cause danger or damage to any vessel or mooring.

34. FOULING OF MOORINGS ETC

If at any time an anchor of a vessel fouls any moorings or electric or other cables within the harbour, the master of the vessel shall as soon as reasonably practicable give notice thereof to the Harbour Master and shall, if it is safe and practicable, await his instruction before proceeding to clear the same.

PART IV - GOODS AND ROAD TRAFFIC

35. "EXPLOSIVES" AND "NO-SMOKING" SIGNS

The master of every vessel within the Port loading, unloading or having on board explosives or dangerous goods (including highly flammable goods) shall display "Explosives" and "No Smoking" signs as relevant in a prominent position in the vessel. This is without prejudice to any obligations to display signs and flags under the Dangerous Substances in Harbour Areas Regulations 1987 and subsequent statutes.

36. REQUIREMENTS AS TO HANDLING AND MOVEMENT OF GOODS IN THE HARBOUR

- (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.

37. PRECAUTIONS TO BE TAKEN IN LOADING AND DISCHARGING

The master of a vessel shall not load or discharge any cargo, ballast or fuel, any part of which is liable to fall into the harbour without taking such precautions by affixing canvas or tarpaulin or other suitable matter or thing as shall effectively prevent any such cargo, ballast or fuel from falling into the harbour.

38. OBSTRUCTION OR INTERFERENCE AT HARBOUR PREMISES

No person 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 operate any plant, machinery, equipment or apparatus at the harbour premises.

39. SAFE DRIVING OF VEHICLE

No person 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.

40. SPEED LIMIT FOR VEHICLES

No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 10 miles per hour.

41. SUPERVISION OF VEHICLES

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 the 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.

42. LOADS NOT TO SPILL OR DROP

The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

43. LOADS TO BE SECURED

The owner 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 the weight of goods to be so carried as are applicable on public roads.

44. REFUELLING ETC. OF VEHICLES

No person shall within the harbour premises charge or recharge any vehicle with, or empty it of, fuel except with the permission of the Harbour Master.

45. DRIVING ON WEIGHBRIDGES

No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

46. ACCIDENTS TO BE REPORTED

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 and shall give his name and address to the Harbour Master as soon as reasonably practicable. Such reporting is without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985.

47. GOODS ETC LEFT ON HARBOUR PREMISES

- (1) No person shall leave any goods, stores, equipment, boats, cranes etc on any part of the harbour premises without prior consent of the Harbour Master and in accordance with such conditions as he may impose.

- (2) Any goods, stores, equipment, boats, cranes etc. shall as soon as reasonably practicable be removed by its owner or any other person claiming possession of it if the Harbour Master so directs.
- (3) If a person fails to comply with a direction made under paragraph (2) above, the Harbour Master may cause the goods, stores, equipment, boats, cranes etc. to be removed and he may recover the expenses of so doing, where reasonably incurred, from that person as a civil debt due to the Council.

PART V - GENERAL

48. INSPECTION BY HARBOUR MASTER

The master and owner of a vessel within the harbour shall whenever so required by the Harbour Master afford him access to any part of the vessel and all reasonable facilities for the inspection of the vessel in order that the Harbour Master may ascertain whether these byelaws are being observed.

49. NAVIGATING WHILST UNDER THE INFLUENCE OF DRINK OR DRUGS

A person shall not navigate any vessel within 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.

50. FIRE PRECAUTIONS

- (1) For the prevention of damage or injury to vessels or goods in the harbour, the master of every sea-going vessel (other than small craft not otherwise required by any statute or regulation to have on board fire-fighting equipment and a fire-fighting crew) shall, unless exempted by the Harbour Master, at all times maintain efficient fire-fighting equipment and sufficient crew on board to fight fires and to shift the vessel if required by the Harbour Master. Fire-fighting equipment required by any statute or regulation shall always be kept in a state of readiness and any deficiencies in fire-fighting equipment shall be reported as soon as reasonably practicable to the Harbour Master.
- (2) In the case of an outbreak of fire on board a ship within the Harbour, the master of the ship shall take immediate action with the ship's fire-fighting equipment and ensure that the Fire Brigade and Harbour Master shall be notified at the earliest possible moment and also give warning by the continual sounding of the ship's whistle.

51. FIRE AND NAKED LIGHTS IN THE HARBOUR

- (1) No person shall within the harbour, contrary to the directions of the Harbour Master, heat any pitch, tar, tallow or other flammable matter or have or allow any fire or naked light in any place other than for the immediate ignition of any authorised light or fire or (subject to Byelaw 52) for the purpose of smoking.
- (2) On the direction of the Harbour Master any naked lights or fires must be extinguished immediately.

52. SMOKING WITHIN THE HARBOUR

No Person shall smoke within the harbour or harbour premises if requested by an officer of the Council not to do so.

53. ASSISTANCE TO FIRE AND OTHER SERVICES

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.

54. VESSELS NOT TO BE FUMIGATED WITHOUT PERMISSION

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

55. LAYING DOWN MOORINGS, BUOYS AND OTHER TACKLE

- (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or prior written consent 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 as soon as reasonably practicable be removed by its owner or any other person claiming possession of it, if the Harbour Master so directs.
- (3) If a person fails to comply with a direction made under paragraph (2) above, the Harbour Master may cause the mooring buoy or similar tackle to be removed and he may recover the expenses of so doing where reasonably incurred from that person as a civil debt due to the Council.

56. RELOCATION OF MOORINGS

The owner or other person in charge of a private mooring shall on the instruction of the Harbour Master remove it from the harbour or to a new position therein.

57. DRIFT OR TRAWLING NETS NOT TO OBSTRUCT VESSELS

No person 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.

58. CRAB, LOBSTER AND STORE POTS

- (1) No person shall keep on any recognised fairway in the harbour any crab, lobster or store pot.
- (2) In any other part of the harbour no person shall keep a crab, lobster or store pot unless such pot is clearly marked by a marker buoy to which is affixed a standard rising at least three feet above the surface of the water, with a flag attached to the head of the standard.
- (3) Any such crab, lobster or store pot in the harbour not clearly marked as in paragraph (2) above shall be removed from the harbour as soon as reasonably practicable.

59. DREDGING FOR LOST OBJECTS

A person shall not, without the permission of the Harbour Master, dredge in the harbour with drags, hooks, nets or other apparatus for moorings or other property dropped or thrown into the harbour.

60. RADIOACTIVE AND FISSILE MATERIAL

No person shall bring into the harbour any radioactive or fissile material except with the permission in writing of the Harbour Master first obtained and under conditions imposed by him.

61. SILENCERS

A person shall not use a vessel propelled by an internal combustion engine unless the engine is fitted with a silencer suitable and sufficient for reducing, as far as may be reasonable, the noise caused by the escape of the exhaust gases from the engine.

62. DIGGING BALLAST ETC

No person shall without permission in writing of the Harbour Master first obtained, dig or take from any part of the harbour or from any land belonging to the harbour, any ballast, soil, sand or other material whatsoever.

63. DIGGING OF BAIT

No person shall in any part of the harbour dig for lugworm, ragworm or any form of fishing bait within 20 feet of any mooring, pile, beacon, mark, hard, causeway, jetty, quay, wharf or similar structure.

64. LIFESAVING EQUIPMENT

No person shall use any equipment provided by the Council for the purpose of lifesaving except for that purpose.

65. HOUSEBOATS

The master of a houseboat shall not keep his houseboat in the harbour without the written consent of the Harbour Master, and such consent shall specify the date upon which it shall cease to have effect.

66. VESSELS TO HAVE NAMES MARKED ON THEM

The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 or Merchant Shipping Act 1983 or fishing vessels registered under Part II of the Merchant Shipping Act 1988 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification, unless otherwise exempted by the Council.

67. ABANDONMENT OF VESSELS PROHIBITED

- (1) No person shall abandon a vessel on the banks or shores 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.

68. VESSELS NOT TO BE DESTROYED

Subject to the provisions and requirements of Part IX of the Merchant Shipping Act 1894, no owner, master or other person shall set on fire, destroy or attempt to break up, or cause to be broken up, any vessel or wreck of a vessel within the harbour, without the permission in writing of the Harbour Master first being obtained.

69. WATER SKIING, AQUAPLANING ETC

- (1) No person shall engage or take part in water skiing or aquaplaning except with the written permission of the Harbour Master, 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 by the Harbour Master.
- (2) A master, whilst using his vessel for the purpose of towing a water skier or a person aquaplaning, 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) two hand held distress signals, a fire extinguisher, and for each person on board, a lifejacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Ship and Boat Builders National Federation Approved Type.
 - (b) for each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without the written permission of the Harbour Master given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Harbour Master.

70. JET SKIS, JET BIKES ETC

No person shall engage or take part in jet skiing etc. except with the written permission of the Harbour Master 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 by the Harbour Master.

71. DOGS

Every person having any dog in the harbour or harbour premises must keep the same at all times under proper control, so as to avoid any annoyance, nuisance, or damage to persons or property.

72. PROPERTY FOUND

Every person who shall find within the harbour or harbour premises any article or thing which shall have been dropped, lost or mislaid shall inform the Harbour Master thereof without delay unless the true owner can immediately be found.

73. SELLING ARTICLES OF MERCHANDISE OR TOUTING

No person except a tenant of the Council or a person having permission of the Harbour Master in that behalf, shall on the harbour premises, retail or offer for sale any article or merchandise whatsoever or tout or ply for or solicit custom or employment of any description.

74. OBSTRUCTING THE COUNCIL SERVANTS AND OTHERS

No person shall obstruct, molest, threaten or interrupt the Harbour Master or any other officer, workman, agent or person whomsoever employed by the Council in the performance of his duty or in the execution of any work, matters or things to be done by him.

75. REMOVAL OF OFFENDERS

Any person committing or continuing to commit, a breach of any byelaw, after once having received warning at any time from the Harbour Master or his representative may be removed from the harbour and be excluded therefrom without prejudice to his liabilities for penalties incurred.

76. PENALTIES

- (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
 - (a) in respect of an offence under byelaws 7 and 49 not exceeding Level 4 on standard scale
 - (b) in respect of an offence under byelaws 23, 65, 66 and 71 not exceeding Level 2 on standard scale
 - (c) in respect of an offence made under all other byelaws not exceeding Level 3 on standard scale
- (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; or
 - (b) that he had a reasonable excuse for his act or failure to act.

maritime services

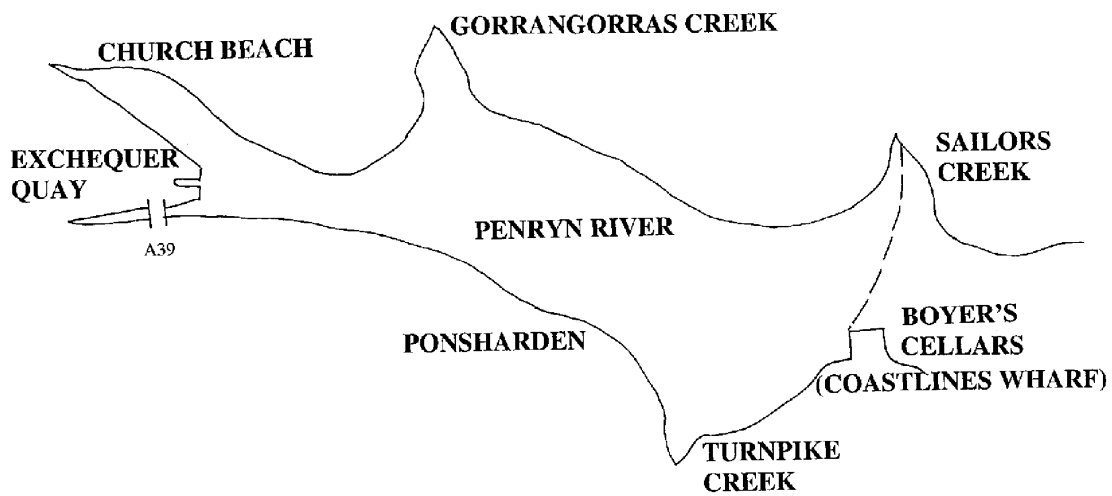
- (4) If in any case the defence provided by paragraph (3a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, within a period 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.
- (5) This Byelaw shall not apply to offences against Byelaw 60.

77. REVOCATION

The Penryn Harbour Byelaws 1960 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. Cox
Chairman

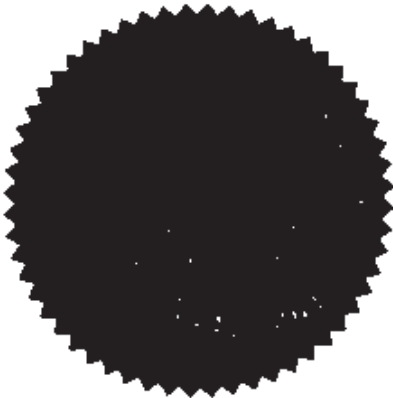
J. J. Whittell

The Chief Solicitor and
Administrative Services Officer



The Secretary of State for Transport after
consultation with the Health and Safety
Commission in respect of Byelaw 60 hereby
allows and confirms the foregoing byelaws

GIVEN under the OFFICIAL SEAL of the
Secretary of State
this 20th day of November 1992



00/7025

M. Jackson

An Assistant Secretary in the
Department of Transport

THE HARBOURS, DOCKS, AND PIERS CLAUSES ACT 1847

Section 52 - Powers of Harbour, Dock or Pier Master

The Harbour Master may give Directions for all or any of the following purposes; (that is to say,)

For regulating the Time at which and the Manner in which any Vessel shall enter into, go out of, or lie in or at the Harbour, Dock, or Pier, and within the prescribed Limits, if any, and its Position, mooring or unmooring placing and removing, whilst therein:

For regulating the Position in which any Vessel shall take in or discharge its Cargo or any Part thereof, or shall take in or land its Passengers, or shall take in or deliver Ballast within or on the Harbour, Dock or Pier:

For regulating the Manner in which any Vessel entering the Harbour or Dock or coming to the Pier shall be dismantled, as well for the Safety of such Vessel as for preventing Injury to other Vessels and to the Harbour, Dock, or Pier, and the Moorings thereof:

For removing unserviceable Vessels, and other Obstructions from the Harbour or Dock, or Pier, and keeping the same clear:

For regulating the Quantity of Ballast or dead Weight in the Hold which each Vessel in or at the Harbour, Dock, or Pier shall have during the Delivery of her Cargo, or after having discharged the same:

Provided always, that nothing in this or the Special Act contained shall authorise the Harbour Master to do or cause to be done any Act in any way repugnant to or inconsistent with any Law relating to the Customs, or any Regulation of the Commissioners of Her Majesty's Customs.

Section 56 - Harbour Master may remove wrecks etc

The Harbour Master may remove any Wreck or other Obstruction to the harbour, Dock or Pier, or the Approaches to the same, and also any floating Timber which impeded the Navigation thereof, and the Expense of removing any such Vessel, Obstruction, or floating Timber shall be repaid by the Owner of the same, and the Harbour Master may detain such Wreck or floating Timber for securing the Expenses, and on Non-payment of such Expenses, on Demand, may sell such Wreck or floating Timber, and out of the Proceeds of such Sale pay such Expenses, rendering the Overplus, if any, to the Owner on Demand.

Section 57 - Unserviceable vessels to be altogether removed from harbour

No Vessel which shall be laid by or neglected as unfit for Sea Service shall be permitted to lie within the Limits of the Harbour, Dock, or Pier, but the Harbour Master may cause every such Vessel to be, at the Expense of the Owner thereof, removed from the Harbour, Dock or Pier, and laid on any Part of the Strand or Sea Shore, or other Place where the same may, without Injury to any Person, be placed; and the Charges of removing or placing such Vessel may be recovered from the Owner of such Vessel by summary Complaint, in England or Ireland, before any Justice of the Peace, and in Scotland before the Sheriff; and in case

of Refusal or Neglect of Payment of such Charges for the Space of Seven Days after having been awarded by such Justice or Sheriff, the Harbour Master may levy such Charges by Distress and Sale or Pounding and Sale of such Vessel, or of the Tackle, Apparel, or Furniture thereof, or any Part thereof, and the Justice or Sheriff shall issue his Warrant accordingly.

Section 58 - Harbour Master may remove vessels within docks etc

If the Master of any Vessel in or at the Harbour, Dock, or Pier, or within the prescribed Limits, if any, shall not moor, unmoor, place, or remove the same according to the Directions of the Harbour Master, or if there be no Person on Board of any such Vessel to attend to such Directions the Harbour Master may cause such Vessel to be moored, unmoored, placed or removed as he shall think fit, within or at the Harbour, Dock or Pier, or within the prescribed limits, and for that Purpose the Harbour Master may cast off, unloose, or cut the Rope, or unshackle or break the Chain by which any such Vessel is moored or fastened; and all Expenses attending the mooring, unmooring, placing or removing of such Vessel shall be paid to the Undertakers by the Master of such Vessel; Provided always, that before the Harbour Master shall unloose or cut any Rope or unshackle or break any Chain by which any Vessel, without any person on board to protect the same, shall be moored or fastened, he shall cause a sufficient Number of Persons to be put on board of such vessel for the Protection of the same.

The Merchant Shipping Act 1995

Section 252 provides that where any vessel is sunk, stranded or abandoned in, or in or near any approach to, any harbour or tidal water under the control of a harbour authority or conservancy authority in such a manner as, in the opinion of the authority, to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or approach thereto, that authority may exercise any of the following powers.

Those powers are:

- (a) to take possession of, and raise, remove or destroy the whole or any part of the vessel and any other property to which the power extends;
- (b) to light or buoy the vessel or part of the vessel and any such other property until it is raised, removed or destroyed; and
- (c) subject to certain qualifications, sell, in such manner as the authority think fit, the vessel or part of the vessel so raised or removed and any other property recovered in the exercise of the powers conferred by paragraph (a) or (b) above;
- (d) to reimburse themselves, out of the proceeds of the sale, for the expenses incurred by them in relation to the sale.

The other property to which the powers conferred by subsection (2) above extend is every article or thing or collection of things being or forming part of the equipment, cargo, stores or ballast of the vessel.

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

Web: 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

www.carrick.gov.uk

