

HAYLE HARBOUR MANAGEMENT LTD

HAYLE HARBOUR
BYELAWS

1990

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- " owner ", when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or un-loading 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, charterer (including but not limited to a charterer by demise) 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 other than a vessel; includes any part-owner or agent or person having charge of the vehicle for the time being;
- " prolonged blast " means a blast of from four to six seconds' duration;
- " short blast" means a blast of about one second's duration;
- " whistle" includes any efficient whistle, siren or horn;
- " quay" means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;
- " small vessel " means any vessel of less than 24 metres in length;
- " sailing vessel " means any vessel designed to carry sail, whether as the sole or as a primary means of propulsion;
- " Site of Special Scientific Interest " means those parts of the harbour which have duly been designated as such and are shown hatched on the plan annexed to these Byelaws and any other area duly notified as such under section 28 of the Wildlife and Countryside Act 1981 or any statutory provision amending or replacing the same;
- " vehicle " includes any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes, and includes a hovercraft or any other amphibious vehicle;
- " vessel " means a ship, boat or raft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and includes a hovercraft or any other amphibious vehicle or a seaplane;

PART II - NAVIGATION

Application of Collision Regulations

4. Insofar as the rules contained in Schedule 1 to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 do not apply within the harbour by virtue of Rule 1 (a) of the said Schedule 1, the like rules shall so apply as part of these byelaws, but subject to the other provisions of these byelaws.

Vessel movement

5. The master of a seagoing vessel shall where practicable give

prior notice to the harbour master of the vessel's arrival at, departure from, or movement within the harbour.

Declaration of particulars of vessel

6. 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. If the master of a small vessel is unable to declare its tonnage, he shall instead declare its overall length.

Speed of vessels

7. Except with the permission of the harbour master, and subject to the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 5 knots.

Small vessels not to obstruct fairway

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

Vessels not to be made fast to navigation buoys or marks

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

Notification of collisions, etc.

10. The master of a vessel which-

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded, or become stranded in a harbour area; or
- (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- (c) in any manner gives rise to an obstruction to a fairway;

shall as soon as reasonably practicable report the occurrence to the harbour master (and as soon as practicable 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.

Vessels adrift

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

PART III - SIGNALS

Sound signals for vessels unable to give way or not under command

12. If for any reason the master of a power-driven vessel or of a vessel not under command cannot perform his duty to give way to an approaching vessel, or if it is unsafe or impracticable for him to keep his vessel out of the way of a sailing vessel, the master shall signify the same by one prolonged blast followed by two short blasts on the vessel's whistle and thereupon it shall be the duty of the approaching vessel or sailing vessel to keep out of the way of such power-driven vessel or vessel not under command.

PART IV - BERTHING, MOORING AND ANCHORING

Provision of proper fenders

13. 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 fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be moored etc. as directed

14. The master and crew of a vessel in the harbour shall moor, anchor, berth and move, and shall cease to moor, anchor, berth or move such vessel in accordance with directions given from time to time by the harbour master.

Vessels to be properly berthed

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

Sufficiency of crew

16. Except with the permission of the harbour master, the master of a vessel other than a small 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 vessels 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.

Vessels to be kept in a movable condition

17. (1) The master of a vessel other than a small vessel shall not, except where his vessel is lying aground, take any steps to

render his vessel incapable of movement without first notifying the harbour master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted, and in such condition, that it is capable of being safely moved.

(2) Where a vessel other than a small vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or the 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.

Use of engines while vessel moored or berthed

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

Vessels not to make fast to unauthorised objects

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

Laying down moorings, buoys and other tackle

20. (1) No person shall lay down any mooring in the harbour without a licence or prior consent in writing of the Company, nor except in accordance with such conditions as the Company may impose.

(2) A mooring 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 the owner of a mooring shall not comply with any directions of the harbour master given pursuant to these Byelaws to remove the mooring, the harbour master may on giving, where reasonably practicable, seven days notice remove the mooring.

Use of Company moorings

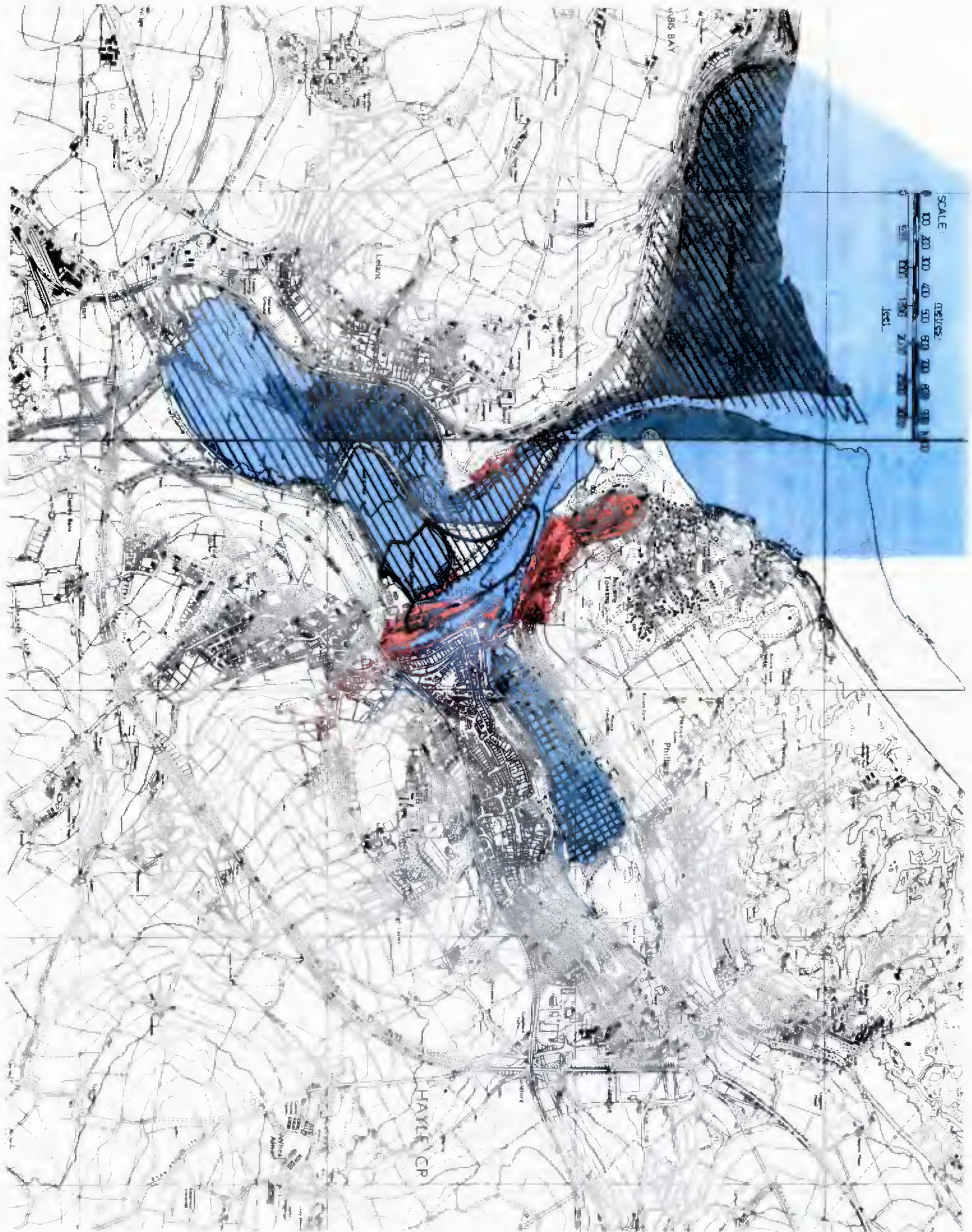
21. No person other than the licensee shall use, except in a case of an emergency, any mooring laid down by the Company in respect of which a license affording the privilege of preferential right of user of such mooring to the licensee is for the time being in force.

Access across decks






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

Lost anchor, cable or propeller

23. (1) The master of a vessel which has slipped or parted from,



SCALE: METERS:
 0 100 200 300 400 500 600 700 800 900 1000
 FEET: 0 1000 2000 3000
 Incl.

-  Harbour Limits
-  Harbour Land
-  S.S.S.I.
-  Line of Deviation Works 3
-  Proposed S.S.S.I.

or lost, any anchor, chain, cable or propeller shall as soon as reasonably practicable give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs, shall cause it to be recovered as soon as practicable.

(2) The master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof as soon as reasonably practicable.

PART V - GOODS AND ROAD TRAFFIC

Requirements as to handling and movement of goods in the harbour

24. (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 or unless the requirements of H.M. Customs and Excise make it impracticable.

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

Precaution against goods, etc., falling into harbour waters or onto the harbour premises

25. The master of a vessel and a person undertaking the loading of cargo into, or discharging of cargo from, a vessel shall use or cause to be used such methods as the harbour master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the harbour premises.

Obstruction at harbour premises

26. No person shall-

(a) except with the permission of the harbour master, intentionally deposit or place on any part of the harbour premises any goods so as to obstruct any road, building, mooring place, plant, machinery or apparatus, or the access thereto and any such goods may be removed by the harbour master; or

(b) except with the permission of the harbour master, place or permit any obstruction or impediment on any quay, and any such obstruction or impediment may be removed by the harbour master; or

(c) without lawful authority, use, work or move any plant, machinery, equipment, fire hydrant or apparatus at the harbour premises.

Parking of vehicles

27. (1) No person shall park or intentionally leave a vehicle -

(a) in any place where it is likely to obstruct the use of the harbour premises; or
(b) in any part of the harbour premises where the parking of vehicles is prohibited and notice of such prohibition has been erected by the harbour master.

(2) Any notice erected under paragraph (1) (b) of this Byelaw shall be conspicuously posted in or in proximity to the place to which it relates.

(3) (a) If the harbour master so directs, the owner of any vehicle parked or left in contravention of paragraph (1) of this Byelaw shall remove the same to a place where it does not contravene the Byelaw;

(b) If the owner fails to comply with any direction of the harbour master given pursuant to this paragraph or cannot reasonably be found, the harbour master may remove the vehicle.

Safe driving of vehicles

28. 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.

Speed limit for vehicles

29. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 15 miles per hour.

Supervision of vehicles

30. 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,

(a) leave the vehicle unattended anywhere within the harbour premises except with the permission of the harbour master or at an authorised parking place;

or

(b) take it into any shed or working area except with the permission of the harbour master;

Loads not to leak, spill or drop

31. (1) 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.

(2) This Byelaw shall not apply to any spillage from a vehicle in which fish are being transported in bulk where the spillage could not have been reasonably prevented.

Loads to be secured

32. The owner, driver or other person having charge of a vehicle in the harbour premises shall ensure that any load carried thereon

or therein is properly secured, and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Refuelling, etc., of vehicles

33. 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.

Accidents to be reported

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

PART VI - GENERAL

Inspection facilities, etc., to be made available to the harbour master

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

Vessels not to be fumigated without permission

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

Preventing or removing obstructions

37. (1) A person shall not intentionally place or permit any obstruction or impediment within the waters of the harbour not allowed by or under any enactment and any such obstruction or impediment may be removed by the Company.

(2) The harbour master may give directions with respect to such obstruction or impediment and as to the time and manner in which it shall be removed.

Drift or trawling nets not to obstruct vessels

38. 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.

No dragging or grappling without permission

39. No person shall drag or grapple for any material or article, nor remove the same from the bed of any water area of the harbour,

without the written consent of the harbour master, save for the purpose of immediately recovering items dropped overboard.

Registration of vessels

40. The owner of a vessel normally kept within the harbour shall register the same with the harbour master forthwith and shall thereafter register the vessel at intervals of not more than one year and shall inform the harbour master of the place where the vessel is kept.

Change of ownership of vessel

41. On any change in the ownership of a vessel kept in the harbour the parties to the change shall ensure that immediate written notification of the change is given to the harbour master.

Vessels to have names marked on them

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

Abandonment etc. of vessels prohibited

43. (1) No person who owns or has charge of a vessel shall abandon, break up, set on fire or otherwise destroy it on the banks or shore of the harbour, except with the consent of the harbour master.

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

Water ski-ing, aquaplaning, etc.

44. (1) No person shall engage or take part in water ski-ing or aquaplaning except with the written permission of the Company, given either specifically or generally, and only in such areas as the Company may designate and in accordance with such reasonable conditions as may be imposed.

(2) A master, whilst using his vessel for the purpose of towing a water-ski 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-ski, and shall carry -

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

(b) For each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand-thrown rescue device.

(3) No person shall engage in para-kiting or parachute-towing in the harbour without the prior written consent of the Company, given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Company.

Jet-skis, aqua-scooters, etc. prohibited in parts of the harbour

45. No person shall operate a jet-ski, aqua-scooter or any similar type of vessel in the harbour except with the written permission of the Company, given either specifically or generally, and only in such areas as the Company may designate and in accordance with such reasonable conditions as may be imposed.

Assistance to fire and other services

46. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

Fire precautions

47. The master of a vessel shall take all reasonable precautions for the prevention of fire and shall have adequate fire extinguishing equipment available for immediate use in the vessel.

Lighting of fires prohibited

48. No person shall light a fire or permit a fire to be lighted in any part of the harbour or anywhere on the harbour premises except with the permission of the harbour master.

Obstruction of officers of the Company

49. No person shall intentionally obstruct any officer or employee of the Company in the execution of his duties.

Meetings

50. Except with the consent of the harbour master, no person shall within the harbour premises-

- (a) take part in any general meeting; or
- (b) gather together or deliver an address to an audience, or gather together any persons, whereby any work or business at the harbour, or the control, management or use of the harbour is, or is likely to be, obstructed, impeded or hindered.

Unauthorised trading prohibited

51. No person shall engage, by way of trade, in buying or selling any goods or property in the harbour premises without the written consent of the Company.

Bathing and fishing prohibited

52. Except in places which shall be clearly designated by the Company, or except with the permission of the harbour master, no

person shall bathe in the harbour or fish for marine creatures of any type from the harbour premises.

Launching of vessels

53. No person shall launch a vessel into the harbour except from an authorised launching place or with the permission of the harbour master.

Vessels to be effectually silenced

54. No person shall operate a powered vessel in the harbour unless it is fitted with effectual silencing arrangements.

Conduct of regattas etc.

55. The organiser of any boat race, regatta or any other occasion when a number of vessels is expected to assemble on the water of the harbour shall give not less than seven day's notice thereof to the harbour master. All races and similar events shall be conducted on courses and at times previously approved by the harbour master.

PART VII - SITE OF SPECIAL SCIENTIFIC INTEREST

Saving for Site of Special Scientific Interest

56. In the Site of Special Scientific Interest, no person shall -

- (a) launch or navigate any kind of vessel except with the permission of the harbour master;
- (b) moor, anchor or lay up any vessel except with the permission of the harbour master and at such place or places as he may direct;
- (c) drive, ride propel or leave any vehicle on the foreshore except with the permission of the harbour master;
- (d) sail model boats except with the permission of the harbour master;
- (e) take fauna for use as bait.

PART VIII - PENALTIES

Penalties

57. (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 power conferred upon him by these Byelaws, shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 3 on the 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 reasonable excuse for his act or failure to act; or
- (c) that he was exercising a statutory right.

(4) If in any case the defence provided by paragraph (3) (a) of this Byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that person as was then in his possession.

Given under the Common Seal of the Hayle Harbour Company Limited this 25th day of July 1990.

R. LASCELLES
Director

R. A. ROBERTS
Secretary

The Secretary of State hereby confirms the foregoing Byelaws.
Signed on behalf of the Secretary of State for Transport
this 26th day of September 1990

M. W. JACKSON
An Assistant Secretary in
the Department of Transport

SCHEDULE THE PARTS OF HAYLE HARBOUR WITHIN WHICH THESE BYELAWS APPLY

The area shown coloured blue on the harbour limits plan annexed to these Byelaws, being the area bounded on the east by an imaginary straight line commencing on the high water point at reference point SW555 389 and drawn in a northerly direction to the point SW555 398, on the west by an imaginary straight line commencing on the high water point at reference point SW535 388 and drawn in a north-north-easterly direction to the point SW539 395, on the north by an imaginary straight line drawn between the points SW555 398 and SW 539 395, and on the south by the level of high water including all bays, creeks, pools, inlets and rivers as far as the tide flows and the area shown coloured pink on that plan, being the harbour premises.

NOTES

(These notes do not form part of the Byelaws)

(1) Failure to comply with Directions of Harbour Master

Section 21 of the Hayle Harbour Act 1989 provides as follows:-
" Any person who fails to comply with any directions lawfully given by the harbour master under this Act or under any Byelaw made by the Company shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale".

(2) Damage to Property

In addition to any liability under these Byelaws it is an offence under the Criminal Damage Act, 1971, for any person without lawful excuse to destroy or damage any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

(3) Definitions applied to these Byelaws

By virtue of Section 11 of the Interpretation Act 1978, expressions which are defined in the Hayle Harbour Act 1989, but which are not defined in these Byelaws have the same meanings in the Byelaws as they have in the Act of 1989.

(4) Oil in Navigable Waters

Under the Prevention of Oil Pollution Act, 1971 and the Merchant Shipping (Prevention of Oil Pollution) Regulations, 1983, it is an offence to discharge any oil, or mixture containing oil, or to allow it to escape into certain areas including the whole of the limits of jurisdiction of the Company and areas seaward of those limits.