General Byelaws

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GENERALHARBOURBYELAWS

The Commissioners of the Harbour of Berwick upon Tweed in exercise of the powers conferred upon them by section 83 of the harbour, Docks, and Piers Clauses Act 1847 and of all other powers enabling them in that behalf make the following Byelaws:-

PART (1) PRELIMINARY

Title and Commencement:

1) These Byelaws may be cited as the Berwick upon Tweed Harbour byelaws 200? And shall come into force on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

Application:

2) "The Harbour" means the Harbour of Berwick upon Tweed as described in Section 21 of the Berwick upon Tweed Harbour act 1862 and as amended by Section 10 of the Berwick upon Tweed Harbour Order 1913, and includes land, buildings, works, plant, property, and conveniences connected therewith or any part thereof as the case may be. These Byelaws shall apply to all parts of the harbour hereto and to the harbour premises / dock estate as defined in Byelaw 3 hereof Her Majesty's warships are to have regard to these Byelaws but nothing contained herein shall constrain the freedom of operation of the said vessels.

Interpretation:

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

"The Commissioners" means the Commissioners of Berwick upon Tweed Harbour.

"Collision Regulations" means the 1996 regulations and any other regulations made pursuant to sections 85 and 86 of the Merchant Shipping Act 1995.

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

"The Harbour Master" means the person appointed as such by the Commission for the time being and includes his authorised deputy and any other person authorised by the Commissioners to act in that capacity, and any permission or instruction of the Harbour Master, unless the Byelaw requires that it in writing, includes any authority permission or instruction given orally in person or by radio.

"The Harbour premises / dock estate" means the dock, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Commissioners and used for the purposes of or in connection with the harbour.

"Pleasure Craft" means any vessel designed or adapted wholly or in part for the purpose of sport or recreation including without limitation a personal watercraft and sail board.

"Hovercraft" means a vehicle which is designed to be supp01ted 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.

"Personal Watercraft" means any watercraft (not normally used in navigation and not being a structure which, by reason of its concave shape, provides buoyancy for the carriage of persons or goods) propelled by a jet engine or other mechanical means of propulsion and steered either.

a) by means of a handlebar operated linkage system (with or without a rudder at the stem,) or.

b) by the person or persons riding the craft using his or their body weight for the purpose, or.

c) by a combination of the methods referred to respectively in (a) or (b) above.

"Fairway" means the navigable channel which is the regular course or track of shipping and includes any waters regularly used by vessels as a turning or swinging area

References to a Byelaw are to numbered paragraphs of these Byelaws.

"Master" when used in relation to any vessel means the 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, pontoon or any other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway, or footway immediately adjacent and affording access thereto.

"Small Vessel" means any vessel less than 20 metres in length.

"Sailing Vessels" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

"Vessel" means a ship, boat or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on water (whether permanently or temporarily) and a hovercraft or other amphibious vehicle, during such time as it is in or hovering over the water.

"Vehicle" includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans, and mobile homes (and includes hovercraft or any other amphibious vehicle, when not in or hovering over water).

PART (11) - NAVIGATION

Application of Collision Regulations:

4) Insofar as the rules contained in the schedule 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, the like rules shall so apply as part of these Byelaws but subject to the other provisions of these Byelaws (and references in these Byelaws to the Collision Regulations shall include references to the said rules as applied by this Byelaw).

5) **Vessel Movements:**

The Master of a sea going vessel other than a small 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 sea going vessel shall prior to arrival at the port, furnish the Harbour Master with a declaration containing a correct statement detailing the vessel's status as specifically required under legislation contained in the **ISPS** Code 2004, together with a statement of the vessel's tonnage, draught, overall length, and particulars of the cargo.

7) **Vessels to Navigate with Caution:**

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

8) Navigation whilst affected by Drink or Drugs:

No person shall have the command charge or management of a vessel underway, or otherwise undertake any activity which is or may be material to the safe conduct of a vessel under way when unfit by reason of drink or drugs.

8.1) The Master of a vessel shall not cause or permit any person to navigate or otherwise have charge of a vessel or to undertake any activity which is or may be material to the safe conduct of a vessel underway if that person is unfit by reason of drink or drugs.

9) Competent Person to be on the bridge:

When a vessel is underway in the harbour area the Master of that vessel shall be on the bridge himself of shall ensure that there is on the bridge a member of the crew who is capable of taking command of the vessel and, when a pilot is aboard, is capable of understanding the pilot's directions.

9.1) In the case of a vessel which has no bridge Byelaw 9.0 shall have effect as if the references to the bridge were references to the place on the vessel from which steering is directed.

10) Speed of Vessels:

Except with the permission of the Harbour Master and, subject to Byelaws 7 & 5 I and the collision regulations, the Master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 5 knots.

11) Small Vessels not to obstruct the Fairway Channel:

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.

12) Vessels not to make fast to navigational buoys or marks:

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

13) Notifications 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 in the 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 the fairway shall forthwith report the occurrence to the Harbour Master and (as soon as practicable thereafter) provide the Harbour Master with full details and, where the damage to the 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 of the Harbour Master.

14) Vessel Adrift:

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

PART (111) BERTHING AND MOORING

15) Provision of proper fenders.

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

16) 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 any quay.

17) Access to and egress from vessel:

The Master of a vessel of 30 metres or more in length whilst berthed alongside a quay shall provide and maintain a proper gangway with safety net for the access and egress of all persons having lawful business on the vessel and during the hours of darkness provide sufficient lighting to illuminate the full length of the gangway.

18) Sufficiency of Crew:

Except with the permission of the Harbour Master, the Master of a sea going vessel shall at all times when his vessel is within the harbour ensure that there are sufficient crew or other competent persons readily available:-

(a) to attend to the moorings.

(b) to comply with any directions given by the Harbour Master for the mooring, unmooring, and moving of the vessel: and

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

19) Vessels to be kept in a moveable condition:

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

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

20) Use of Engines while vessel moored or berthed:

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

21) Vessels not to make fast to any unauthorised objects:

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

22) Access across decks:

The Master of a vessel alongside a quay or alongside a vessel already berthed within the harbour shall, if required to do so 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.

23) Lost anchor, cable, or propeller:

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

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

24) Restriction on Small craft in Tweed Dock:

The owner, master, or person in charge of any small vessel, pleasure craft, angling or fishing boat, life boat or ship's boat, shall first have obtained the consent of the Harbour Master, and shall thereafter comply with any reasonable conditions attaching to that consent before.

(1) any such small vessel as described in Byelaw 24 is moored, used, or navigated in the dock.

(2) any such small vessel as described in Byelaw 24 is launched or lowered into the dock and also before any such vessel is hoisted out or otherwise recovered from the dock.

PART (IV) GOODS AND ROAD TRAFFIC

25) 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.

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

26) Precautions against goods etc. falling into harbour waters or onto Commissioners' premises.

The Master of a vessel and a person undertaking the loading of cargo into, or discharge of cargo from, a vessel shall use or cause to be used such methods as may be necessary for the prevention of any cargo, dunnage, or other materials from falling into the waters of the harbour or onto the premises of the Commission.

27) Goods articles or vehicles not to be placed on quays without permission:

No person shall place or allow to remain any goods, loose material or other articles or vehicles on or in the premises of the Commissioners without the consent of the Harbour Master first obtained.

28) Obstruction or interference at harbour premises or dock estate:

(1) no person shall, except with the permission of the Harbour Master, deposit or place on any part of the Harbour premises / dock estate any goods, or park and vacate any vehicle, specified in Byelaw 3 hereof, within one meter of the edge of the quay nor in such a position as to cover up or obstruct access roads, bollards, mooring rings, fire hydrants, life buoys or the access thereto,

or so as to interfere in any way with the free use of the premises for the handling of goods, mooring places, machinery, or the free access of emergency vehicles.

(2) No person shall without lawful authority use, work, move or interfere with any plant, machinery, equipment, or apparatus at the Harbour premises / dock estate.

29) Safe driving of vehicles:

No person shall drive or otherwise operate a vehicle in the harbour premises / dock estate without due care and attention or without reasonable consideration for other persons using the harbour premises / dock estate.

30) Speed limit for vehicles:

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

31) Supervision of Vehicles:

A person having charge of a vehicle in the harbour premises / dock estate 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 / dock estate, or

(b) take it into any shed or working area

32) Loads not to leak, spill or drop:

Any person having charge of a vehicle in the harbour premises / dock estate shall not permit any substance to leak, spill or drop from the vehicle.

33) Loads to be secure:

Any person having charge of a vehicle in the harbour premises / dock estate shall ensure that any load carried thereon or therein is properly secured and that it complies with all statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

34) Refueling etc., of vehicles:

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

35) **Driving on weighbridge:**

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

36) **Accidents to be reported:**

Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises / dock estate 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 their name and address to the Harbour Master.

PART (V)- GENERAL

37) **h1spection facilities, etc., to be made available to the Harbour Master:**

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.

38) **Vessel not to be fumigated without permission:**

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

39) **Laying down mool·ings buoys and other tackle:**

(1) No person shall lay down any mooring, buoy or similar tackle without the prior consent, in writing, of the Harbour Master.

(2) A mooring, buoy, or similar tackle shall be removed by its owner, or any other person claiming possession of it, if the Harbour Master so directs.

40) **Dumping in harbour water prohibited:**

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

41) **Disposal of garbage and waste from vessels:**

The Master, of a vessel who wishes, to dispose of any food and, galley waste, plastic, waste paper, etc., shall arrange with the Harbour Master's office or through his vessel's agent for the collection and disposal of the waste concerned by persons authorised to do so under applicable legislation.

42) **Fishing gear, nets, not to obstruct property or vessels:**

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

43) **No dragging or grappling without permission:**

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.

44) **Vessels to have names marked on them:**

The owner of a vessel which is not registered as a ship under the Merchant Shipping Acts 1894 to the Merchant Shipping Act 1995 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Harbour Authority.

45) **Abandonment of vessels prohibited:**

(1) No person shall abandon a vessel on the banks or shore of the harbour.

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

46) **Fire precautions:**

(1) No person shall smoke or use naked lights within the harbour except in those areas designated for this purpose.

(2) No person shall make use of welding or burning equipment within the harbour for the purpose of effecting repairs or other work on board vessels or on the harbour installations without the consent of the Harbour Master. Any person using such equipment shall take precautions to minimise the risk of fire therefrom.

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

(4) No person shall light or use any open fire or naked flame within the harbour / premises except with the permission of the Harbour Master or his deputy.

47) **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.

48) **Animals:**

No person shall, except with the consent of the Harbour Master ride, drive or entice any animal on to any part of the harbour nor, except in course of removing it, have any animal under his charge thereon.

49) **Meetings:**

Except with the consent of the Harbour Master, no person shall within the harbour premises / dock estate:-

(a) take part in any general meeting, or

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

50) **Unauthorised Trading Prohibited:-**

No person shall engage by way of trade, in buying or selling any goods or property in the harbour premises / dock estate without the written consent of the Commission.

51) **Leisure Activities Water Sports:-**

(1) No person shall engage or take part in water skiing or the use of jet skis, jet foils or aquaplaning or operate a personal watercraft except in such areas as may be designated and in accordance with such reasonable conditions as may be imposed and subject to the conditions in Byelaw 7.

(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) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification, or a personal buoyancy aid of 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.

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

52) Boarding and interference with Vessels:-

No person other than a member of the crew, and such persons employed, engaged, or authorised by the Master of a vessel or by the Harbour Master, or having a lawful reason, shall board or remain on board, or attempt to board any vessel, and any person committing a breach of this Byelaw 52 may be forthwith removed by a constable.

(1) No person other than a member of the crew, or a mooring man engaged by the Master of the vessel, or for good reason, the Harbour Master or any person acting with his authority, shall adjust, alter, cast off, cut, damage, or render insecure any vessel's ropes, wires, lines, or moorings at any time while the vessel is berthing or lies berthed in the dock or at any mooring placed in the harbour.

53) Nuisances:-

No person shall commit a nuisance within the harbour premises or urinate or defecate in any place other than a lavatory.

54) Persons to account for their business in the harbour premises:-

Any unauthorised person observed within the dock premises who upon being questioned by the Harbour Master or a member of his authorised staff, shall not give a proper account of himself and his business on the premises, may be removed from the harbour premises.

55) Damaging or defacing premises or notices:-

No person shall destroy or deface any part of the harbour premises or notices or any of the harbour Commission's property.

(1) No person shall, without the previous approval of an authorised officer of the Harbour Commission, affix, or cause to be affixed any notice, bill or placard anywhere within the harbour premises.

56) Obstructions of officer of the Commission:-

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

PART (VI) SAVINGS PENALTIES AND REVOCATIONS

57) Saving of Powers:-

Nothing contained in these Byelaws shall be construed as in any way limiting or restricting the lawful powers of the Harbour Commission as a statutory harbour authority or the Harbour Master or any of its other offices or servants under any statute or otherwise.

58) Saving for emergencies:-

Nothing in these Byelaws shall prohibit the Master of a vessel or any other person from doing anything reasonable necessary or render those persons blameworthy for failing to do any required thing, when responding to an emergency or acting for the purpose of saving life.

59) Saving of Crown Rights:-

Nothing in these Byelaws shall be construed as a grant by or on behalf of the Crown Estate as owners of the foreshore and seabed below the level of high water, or of any estate or interest in, or right over such foreshore, seabed or any part of it nor shall anything contained in or done under any of the provisions of these Byelaws in any respect prejudice or adversely affect the rights and interest of the Crown Estate, its lessees and licensees in such foreshore or seabed.

60) 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 not exceeding level 4 on the standard scale in the case of Byelaws 7, 8, 9, 17, 19, 20, 33, 37, 47, 52; to a fine not exceeding level 3 on the standard scale in the case of Byelaws 13,14,16,18, 23, 28, 29, 30, 32, 39, 41, 51, 54; and to a fine not exceeding level 2 on the standard scale in the case of the remaining Byelaws.

(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 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 / she took all reasonable precautions and exercised all due diligence to avoid the Commission of such an offence, or

(b) that he/ she had reasonable excuse for his/ her act or failure to act.

61) Revocations:-

None.