

ABP ASSOCIATED BRITISH PORTS

PORT OF BARROW BYELAWS 1985

Associated British Ports in exercise of the powers conferred on them by Section 83 of the Harbours Docks and Piers Clauses Act 1847 (incorporated by Section 51 of the British Transport Docks Act 1964) and by Section 52 of the British Transport Docks Act 1964 and of all other powers them enabling, hereby make the following byelaws.

PART I – PRELIMINARY

TITLE AND COMMENCEMENT

1. These byelaws may be cited as the Port of Barrow Byelaws 1985 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State for Transport.

APPLICATION

2. These byelaws shall apply to all parts of the Port as defined in byelaw 3 hereof.

INTERPRETATION

3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them –

“Board sailing” means the navigation or propulsion of a sailboard and a “sailboard” means a vessel in the form of a flat raft or float, propelled by sail and navigated by an occupant;

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

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

“the Harbour Master” means the Harbour Master appointed under section 17 of the Furness Railway and Barrow Harbour Act 1863 and his authorised deputies;

“the dock estate” means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by Associated British Ports at or near the Harbour;

“the Harbour” means the harbour of Barrow, the limits of jurisdiction of which are shown on the plan annexed to these byelaws and thereon surrounded by a red line;

“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;

“the Port” means the Harbour and the dock estate;

“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 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;

“traffic sign” means any line, mark (on a road within the dock estate), object or device (whether fixed or portable) of the size, colour and type specified in regulations made under section 54 of the Road Traffic Reguiations Act 1967, for conveying to traffic on roads within the meaning of that Act warnings, informations, requirements, restrictions or prohibitions of any description as specified and erected in conformity with the general directions given under section 55(1) of that Act;

“vehicle” means any vehicle whether mechanically propelled or not and 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 craft of every class or description howsoever navigated or propelled and a hovercraft and a hydrofoil vessel;

“vessel constrained by her draught” means a power-driven vessel which because of her draught in relation to the available depth of water is severely restricted in her ability to deviate from the course she is following.

PART II – NAVIGATION

APPLICATION OF COLLISION REGULATIONS

4. The Collision Regulations shall apply to vessels within the jurisdiction of the Harbour Authority but subject to the other provisions of these byelaws.

VESSEL MOVEMENTS

5. 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 Port.

DECLARATION OF PARTICULARS OF VESSEL

6. The master of a seagoing vessel on arriving at the Port shall if required by the Harbour Master, forthwith furnish to him a declaration in the form required by him containing a correct statement of the tonnage and draught of the vessel and particulars of its cargo.

VESSELS TO NAVIGATE WITH CARE

7. The master shall not navigate his vessel at such speed or in such manner as to be likely:–

- (1) to endanger the lives of or cause injury to persons,
- (2) to cause damage to any property including moorings and river banks,
or
- (3) to interfere with the navigation, manoeuvring, loading or discharging of other vessels.

SPEED OF VESSELS

8. 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 8 knots.

SMALL VESSELS NOT TO OBSTRUCT FAIRWAY

9. The master of a small vessel, of a sailing vessel or of a vessel not constrained by her draught to a fairway, shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

VESSELS NOT TO BE MADE FAST TO NAVIGATION BUOYS OR MARKS

10. 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.

11. The master of a vessel which –

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

shall forthwith report the occurrence to the Harbour Master (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

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

PART III – BERTHING AND MOORING

PROVISION OF PROPER FENDERS

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 PROPERLY BERTHED

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

ACCESS TO AND EGRESS FROM VESSELS

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

SUFFICIENCY OF CREW

16. 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.

VESSELS TO BE KEPT IN A MOVEABLE CONDITION

17. (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 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 not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the Harbour Master forthwith and give to him any further information which the Harbour Master may reasonably require.

USE OF ENGINES WHILE VESSEL MOORED OR BERTHED

18. The master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked without the written consent of the Harbour Master.

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.

ACCESS ACROSS DECKS

20. 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

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

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

PART IV – GOODS AND ROAD AND RAIL TRAFFIC

REQUIREMENTS AS TO HANDLING AND MOVEMENT OF GOODS IN THE PORT

22. (1) The owner of any goods loaded or discharged at the port 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 dock estate.

PRECAUTIONS AGAINST GOODS ETC. FALLING INTO

HARBOUR WATER OR ONTO ASSOCIATED BRITISH PORTS PREMISES

23. The master of a vessel and a person undertaking the loading of cargo into, or the 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 premises of Associated British Ports.

OBSTRUCTION OR INTERFERENCE ON DOCK ESTATE

24. No person shall –

- (a) except with the permission of the Harbour Master, deposit or place on any part of the dock estate any goods or park any vehicle so as to obstruct any road, railway, building, mooring place, plant, machinery or apparatus or the access thereto;
- (b) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus on the dock estate;
- (c) graze any animal or cause or permit the grazing of any animals on the dock estate;
- (d) leave any vehicle on any part of the dock estate longer than is necessary for transacting lawful business thereon.

DUTY TO COMPLY WITH TRAFFIC SIGNS

25. It shall be the duty of all drivers and persons in charge of vehicles within the dock estate to comply with such requirements, restrictions or prohibitions of the description specified in Regulations by the Secretaries of State for such traffic signs as are erected on any dock road within the dock estate which –

- (a) require vehicles to proceed in a specified direction;
- (b) prohibit vehicles from proceeding in a specified direction;
- (c) prohibit or restrict the waiting of vehicles;
- (d) prohibit cycling; or
- (e) prohibit the driving of vehicles or classes of vehicles on roads or parts of roads.

SUPERVISION OF VEHICLES

26. A person having charge of a vehicle on the 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 on the dock estate; or
- (b) take it into any shed or working area.

LOADS NOT TO LEAK, SPILL OR DROP

27. The owner, driver or other person having charge of a vehicle on the dock estate shall not permit any substance to leak, spill or drop from the vehicle.

LOADS TO BE SECURED

28. The owner, driver or other person having charge of a vehicle on the dock estate 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.

REFUELLED ETC. OF VEHICLES

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

PRECEDENCE OF LOCOMOTIVES ETC.

30. A person driving or otherwise operating a road vehicle within the dock estate shall give way to any locomotive, railway rolling stock or other rail vehicle.

DRIVING ON WEIGHBRIDGE

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

ACCIDENTS TO BE REPORTED

32. Any person driving or otherwise operating a vehicle involved in an accident on the 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 his name and address and that of the owner and the registration number of the vehicle to the Harbour Master.

PART V – GENERAL

PARTICULARS OF OWNERSHIP ETC. TO BE FURNISHED TO HARBOUR MASTER

33. The master of a vessel shall if required to do so by the Harbour Master forthwith furnish to him a declaration of the ownership of the vessel, its last port of call and its destination.

INSPECTION FACILITIES ETC. TO BE MADE AVAILABLE TO HARBOUR MASTER

34. The master of a vessel shall afford the Harbour Master proper facilities for the inspection and examination of the vessel when required by the Harbour Master for the purposes of ascertaining whether any relevant part of these byelaws is being duly observed.

NAVIGATION UNDER INFLUENCE OF DRINK OR DRUGS PROHIBITED

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

VESSELS NOT TO BE FUMIGATED WITHOUT PERMISSION

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.

LAYING DOWN MOORINGS, BUOYS AND OTHER TACKLE

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

DUMPING IN HARBOUR WATERS PROHIBITED

38. 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.

DRIFT OR TRAWLING NETS NOT TO OBSTRUCT VESSELS

39. 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

40. 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.

VESSELS TO HAVE NAMES MARKED ON THEM

41. The owner of a vessel which is not registered as a ship under the Merchant Shipping Acts 1894 to 1984 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by Associated British Ports.

ABANDONMENT OF VESSELS PROHIBITED

42. (1) No person shall abandon a vessel on the banks or shore of the Harbour.
(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, BOARD SAILING, PARAGLIDING, AQUAPLANING AND POWER BOAT RACING

43. (1) No person or persons shall engage or take part in water ski-ing, board sailing, paragliding, parascending, towed gliding, aquaplaning or power boat racing except in such areas and over such courses designated or agreed by and in accordance with conditions previously laid down by the Harbour Master.
- (2) Vessels engaged in any of the activities mentioned in paragraph (1) of this byelaw, except board sailing and power boat racing, in approved areas or other approved course shall have on board, in addition to the driver of the vessel, not less than one person to observe the person engaged in such activity 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 the Ship and Boat Builders' National Federation approved type, two hand held distress signals and a fire extinguisher;
 - (b) for each person water ski-ing or aquaplaning a rescue quoit water line or other sufficient hand thrown rescue device.

ASSISTANCE TO FIRE AND OTHER SERVICES

44. 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

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

OBSTRUCTIONS OF TRAFFIC, IMPEDING ANY OFFICER OF ASSOCIATED BRITISH PORTS AND LOITERING

46. (1) No person shall enter the premises of Associated British Ports within the limits of the Port, other than by an authorised entrance, and leave them otherwise than by an authorised exit, or cause any obstruction to traffic, or intentionally obstruct or impede any employee of Associated British Ports in the performance of his duty.
- (2) Every person on the premises of Associated British Ports within the limits of the Port shall, whenever required so to do by any authorised person, give a satisfactory account of himself and his business on those premises.
- (3) No person without lawful business on the dock estate shall remain on the premises if he has been asked to leave by an authorised person.

UNAUTHORISED TRADING PROHIBITED

47. No person shall engaged by way of trade, in buying or selling any goods or property on the dock estate without the written consent of the Harbour Master.

PENALTIES

48. (1) Any person who contravines or otherwise fails to comply with any of these byelaws shall be guilty of an offence and be liable, on summary conviction to a fine not exceeding £100.00 or in respect of byelaws 7, 10, 11, 12, 14, 21, 28, 32, 35, 43 and 45 to a fine not exceeding £400.00. If any person fails to comply with any condition, requirement or prohibition imposed by the Harbour Master when giving consent under these byelaws, he shall be deemed not to have obtained the consent of the Harbour Master.
- (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.
- (4) If in any case the defence provided by paragraph (3)(a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

**THE COMMON SEAL of ASSOCIATED
BRITISH PORTS** was hereunto
affixed in the presence of:-

L.S.

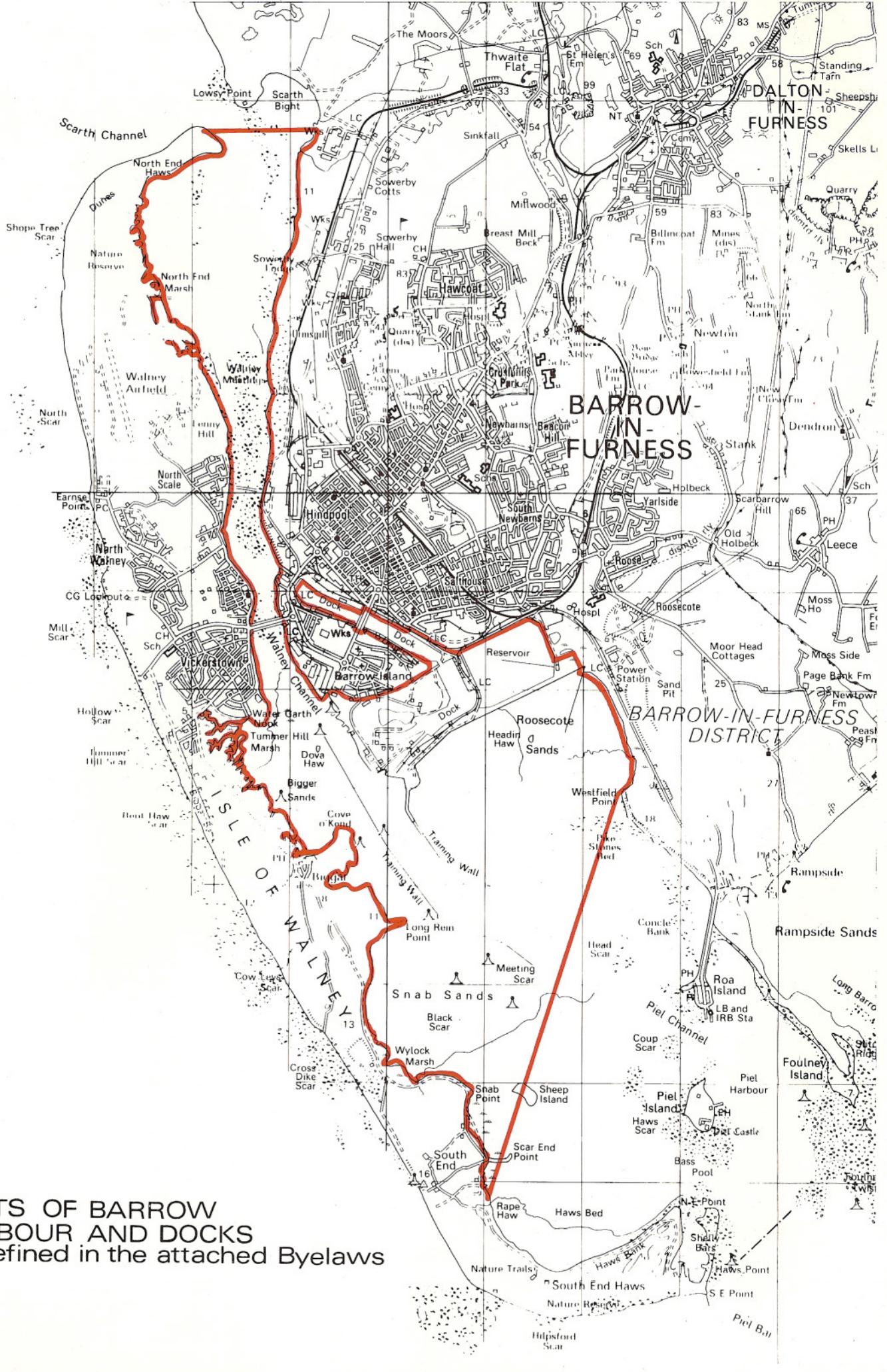
HYWEL REES, Assistant Secretary,
on the 12th day of September, 1985.

THE SECRETARY OF STATE FOR TRANSPORT

hereby confirms the foregoing byelaws

Signed by authority of the SECRETARY OF STATE FOR TRANSPORT
on the 4th day of October, 1985.

J. R. FELLS,
Assistant Secretary in the
Department of Transport.



**LIMITS OF BARROW
HARBOUR AND DOCKS**
as defined in the attached Byelaws