

## HARBOUR BYELAWS

### CONSULTATION WITH STAKEHOLDERS AND INTERESTED PARTIES

Name	Group / Organisation	Date Distributed Comments Received Yes / No (Date)
I Johnston	Maryport Yachting Association	Distributed 16/10/2009 Yes (19/10/2009)
R Thomas	Maryport Yachting Association	" "
F Davies	Maryport & Solway Fishing Co-op	" " Yes (02/11/2009)
J McAvoy	Maryport & Solway Fishing Co-op	" "
S Sharp	MP Marine	" "
K Short	Maryport Sea Cadets	" "
B Beck	Maryport Coastguard	" "
G Doran	Sailing for Disabled	" "
G Farish	Maryport Inshore rescue Boat	" "
C Parkinson	Ventures West	" "
P Gorley	Maryport Developments Ltd	" "
-	Environment Agency	" "
-	Allerdale Borough Council	" "
-	Cumbria County Council	" "
D Dobson	Sea Fisheries Office	" "
Capt B Hawley	Strategic Marine Services Ltd (Consultants)	" "
Capt C Hallam	Strategic Marine Services Ltd (Consultants)	" "
G Lewis	RYA	" " Yes (27/11/2009)
C/o R Wynn	Trinity House	" "
Various	Harbour Users Consultative Committee	" "
-	Department for Transport (DfT) UK	-
J Parr	MFA	" " Yes (21/10/2009)
J Lihou	Port of Workington	" "
Various	Members of Maryport Harbour Authority (Board)	Distributed 16/10/2009 Yes (19/10/2009)

Date received	Interested party	Byelaw	Comment or proposed change	Change approved (Y/N)	Comment	Amendment date
16/10/2009	Mr R Key Member of Maryport Harbour Authority	N/a	No objection	N/a	Noted.	N/a
16/10/2009	Mr K Little Member of Maryport Harbour Authority	N/a	I have one concern and that is the use of the term Harbour Commissioners, my understanding is that when the harbour revision order was brought in, the Harbour Board replaced the Commissioners.	Y	Research established that the term 'Commissioners' should be replaced with 'Members' when referring to the individual.	16/10/2009
19/10/2009	Mr I Johnston Maryport Yachting Association	49 (b)	Loading of fuel, some owners have fuel delivered by road tanker due to quantity and cost and load from the harbour road, will this facility now be removed or is it just a case of notifying you of the time and date and it would not be unreasonably refused.	N/a	E-mail reply on 19/10/2009 noting that the facility is not to be removed just controlled responsibly.	N/a
19/10/2009	Mr K Little Member of Maryport Harbour Authority	N/a	I would suggest that perhaps you run them past the Port of Workington manager Jeremy Lihou he can offer an opinion and also if needed report them to CCC and ABC through the port board meeting	Y	Draft copy sent via e-mail on 19/10/2009 to Port of Workington for comment addressed to Mr J Lihou. Added to list of consultees.	N/a
19/10/2009	Mr M Cowen Member of Maryport Harbour Authority	N/a	No objection	N/a	Noted	N/a
21/10/2009	Mr J Parr Marine Fisheries Agency (MFA)	N/a	I do not have any substantive comment to make. However, with reference to byelaw 37a, you make comment of Ministry of Agriculture, Fisheries & Food. The licensing authority for FEPA is currently the Marine & Fisheries Agency. This will change to the Marine Management Organisation from its vesting date in April 2010.	Y	E-mailed reply on 21/10/2009 advising that the correct entry would be made in line with the advice received.	Draft version No. 2
02/11/2009	Mr F Davies	12	Concern that vessels will not be able to berth at end of fish landing quay adjacent to workshops to carry out maintenance on boats	N/a	Discussed and advised that the current practice would continue and as	N/a

					stated may be permitted at HM discretion.	
27/11/2009	Mr G Lewis	3	The Interpretation section appears to incorporate quite traditional wording whereas the equivalent wording in the draft Directions is more up-to-date (e.g. reference to the "Authority" rather than to the "Commissioners"). For consistency, we would suggest that wording of the relevant definitions in the Directions should also be used in the Byelaws.	Y	Agreed	Draft version No. 2
27/11/2009	Mr G Lewis	7	While this provision is commonly found on navigable rivers, where the direction of flow is constant, it is likely to be confusing for craft navigating on tidal waters where the rate and direction of flow is variable. It is also not clear why this provision is necessary. We would therefore suggest that it be omitted.	Y	Agreed	Draft version No. 2
27/11/2009	Mr G Lewis	9	Article 56(1)(t) of the 2007 HRO does not permit Byelaws to provide for the prohibition of navigation in the harbour by personal watercraft. In any event, given that all power-driven craft will be subject to a 4kt speed limit and the general due care and attention provision, we see no reason for personal watercraft to be banned outright within the harbour. The words "jet skiing" should therefore be omitted.	Y	Agreed	Draft version No. 2
27/11/2009	Mr G Lewis	10	There appear to be two slipways in the harbour, one into Senhouse Dock and one into Senhouse Basin. Does this provision apply to one or the other or both? On the assumption that this provision relates to the slipway into Senhouse Basin, is this a public or private slipway?	Y	Suggested wording - "No person may launch a vessel or craft from the public slipway without first having obtained a copy of the applicable safety information from the	Draft version No. 2

					Harbour Master” achieve your objective of ensuring anyone launching has the appropriate safety information without interfering with public use of the slipway? Also, Byelaw 10(b) probably ought to be confined to launching in the harbour other than from the public slipway.	
27/11/2009	Mr G Lewis	11	The suggested rated power output is very low. For example, the equivalent rule in Teignmouth Harbour in Devon prohibits persons under the age of 14 being in sole charge of a power driven vessel with an engine capacity in excess of 10hp unless that person holds an RYA Powerboat Level 2 Certificate or equivalent. The equivalent rule in St Mawes Harbour in Cornwall is that no person under 16 may be in sole charge of a power driven vessel with an engine capacity in excess of 10hp unless that person holds an RYA Powerboat Level 2 Certificate or equivalent. We would therefore suggest that one of these alternatives would be more appropriate.	Y	Suggested wording - No person under 16 years of age may be in sole charge of a power driven vessel with an engine capacity in excess of 10hp unless that person holds an RYA Powerboat Level 2 Certificate or equivalent.	Draft version No. 2
27/11/2009	Mr G Lewis	16	This Byelaw should expressly permit diving for the purposes of repairing or maintaining any vessels moored in the harbour, in accordance with Article 56(2)(b) of the 2007 HRO.	Y	If the words “(such consent not to be unreasonably withheld)” were to be added at the end of the Byelaw then this might achieve an appropriate balance.	Draft version No. 2
27/11/2009	Mr G Lewis	19	While we acknowledge that anchoring might present a problem within the breakwaters and	Y	Agreed	Draft version No. 2

			docks, anchoring is part of the public right of navigation and we see no reason why it should be prohibited in the part of the harbour that falls within the arc outside the breakwaters. Insofar as the provision relates to anchoring within the breakwaters, we would suggest that the words "(if carried)" should be inserted after the words "anchor and cable" in the second line.			
27/11/2009	Mr G Lewis	26	The use of the word "unlawfully" in this context is circular – it is this Byelaw that needs to make the casting adrift unlawful! I would therefore suggest that the Byelaws reads "No person shall, without the permission of that vessel's master or owner, cast adrift or loosen any vessel which is made fast or moored in the harbour."	Y	Agreed	Draft version No. 2
27/11/2009	Mr G Lewis	28	We would suggest that the word "reasonable" be inserted between the words "such" and "times" in the second line.	Y	Agreed	Draft version No. 2
27/11/2009	Mr G Lewis	35	Byelaw 35(b) refers to a "small vessel" but this is not defined.	Y	Small vessel to be defined as 'a vessel of less than 20 metres length over all'	Draft version No. 2
27/11/2009	Mr G Lewis	37	We would suggest that this Byelaw should mirror the provisions of Article 27 of the 2007 HRO.	Y	Agreed	Draft version No. 2
27/11/2009	Mr G Lewis	40	We are not sure what a vessel's "draft" tonnage is (Byelaw 40(a)(ii)).	Y	To omit	Draft version 2
27/11/2009	Mr G Lewis	44	If applied to the full extent of the harbour (including the water space) then this provision	Y	Agreed	Draft version No. 2

			uses archaic language and is, in our view, unreasonably vague and unduly onerous. In addition, Byelaws cannot be used to confer a power to remove and exclude trespassers. We would therefore suggest that this Byelaw be omitted.			
27/11/2009	Mr G Lewis	48	While we acknowledge the possible need for Byelaw 48(a) in the enclosed docks, in our view this is unduly onerous for recreational craft fitted with heads without holding tanks navigating in the tidal parts of the harbour.	N	Byelaw 48(a) could be amended to read "No person shall cause the discharge of sewage into any of the enclosed docks within the Harbour" and Byelaw 48(b) amended to read "No person shall pour, pump or willfully or carelessly allow to escape into the Harbour any dangerous or offensive matter or any pollutant materials (other than sewage)."	Further discussion required.
				Y	48(a) Amended to: "No person shall cause the discharge of sewage (except in the ordinary course of navigation) or other pollutant materials into the Harbour"	Draft version No. 3
27/11/2009	Mr G Lewis	49	We consider that the word "and" in the last line of Byelaws 49(b) should be replaced with the word "or".	Y	Agreed	Draft version No. 2

## 1) TITLE COMMENCEMENT AND REVOCATION

These Byelaws which may be cited as the Maryport Harbour Byelaws 2009 shall come in to operation one month after the date of the confirmation thereof by the Minister of State, as from which date the Byelaws made by the Commissioners on the 25<sup>th</sup> January, Eighteen Ninety Eight, shall be revoked, and any reference thereto in other Byelaws shall as from such date and where the context so admits be construed as a reference to those Byelaws.

## 2) APPLICATION

These Byelaws shall apply to all parts of the Harbour as delineated on the plan annexed hereto and with reference to The Maryport Harbour Revision Order 2007.

## 3) INTERPRETATION

In these Byelaws unless there be something in the subject context repugnant to such construction, the following words and expressions have the respective meanings hereby assigned to them:

“The Authority” means the Maryport Harbour Authority as reconstituted and renamed by the Maryport Harbour Revision Order 2007.

“Collision regulations” means the International Regulations for Preventing Collisions at Sea 1972 (as amended), as now given effect by the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (as amended).

“Fairway” means a navigable channel that is a regular course or track for vessels transiting the harbour.

“Harbour master” means any person appointed as such by the Authority in accordance with the Harbours, Docks, and Piers Clauses Act 1847, article 51, and includes his authorised deputies and assistants and any other person for the time being authorised by the Authority to act, either generally or for a specific purpose, in the capacity of harbour master.

“The harbour” means the area described in article 15 and Schedule 3 of the Maryport Harbour Revision Order 2007 (See appendix 1).

“The harbour land” means, subject to article 67 of the Maryport Harbour Revision Order 2007, the quays, piers, landing places and all other works, lands and buildings for the time being vested in, or occupied and administrated by the Authority as part of the undertaking.

“Master” in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being.

'Goods' means all articles and merchandise of every description and all wares in respect of which rates are payable or dues, under the Maryport Harbour Acts.

'Owner' when used in relation to any vessel means the person or persons entitled to possession of the vessel.

"Mooring" means any anchor, buoy, pile, post, chain, pillar, sinker or like apparatus or convenience used for the mooring of vessels.

"Vessel" means every description of watercraft, including non-displacement craft, seaplanes and submarines used or capable of being used as a means of transportation on or under the waters of Maryport Harbour.

"Small vessel" means a vessel of less than 20 metres length over all.

"Restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rain, dust or smoke cloud or any other similar cause.

"Special direction" means a direction made pursuant to article 30 of the Maryport Harbour Revision Order 2007.

#### 4) APPLICATION OF COLLISION REGULATIONS.

The master of a vessel in any part of the Harbour shall observe and obey the Collision Regulations with the exceptions, conditions and variations contained in these Byelaws.

#### 5) SPEED OF VESSELS.

The master of any power driven vessel shall not, subject to the requirements of maintaining adequate steerage way and control, suffer or cause her to be navigated or driven in the Harbour at a speed exceeding four knots through, on or over the water, unless the consent in writing of the Harbour Master has previously been obtained. Provided that this byelaw shall not apply to any vessel on any occasion when it is being used for conservancy, police, fire fighting or rescue operation in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it was being used on that occasion.

#### 6) DUE CARE

The master of a vessel shall navigate with such care and caution, and so as not to endanger the lives of or cause injury or discomfort to persons or damage any property, and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, river banks or other property.

#### 7) DELETED

#### 8) VESSELS SUNK OR ADRIFT.

The owner or master of a vessel which has gone adrift, or is missing from her moorings in the Harbour shall notify the Harbour master of the relevant facts as soon as practicable.

#### 9) WATER SKIING / AQUA-PLANNING.

No person or persons shall engage in water skiing, aqua-planning, or the like, or in the towing of such person or persons within the limits of the Harbour without the written consent of the Harbour Master.

#### 10) SLIPWAY & LAUNCHING

- (a) No person may launch a vessel or craft from the public slipway without first having obtained a copy of the applicable safety information from the Harbour Master
- (b) No person shall launch or allow to be launched any vessel into the Harbour area (other than from the public slipway) unless that person has obtained the prior consent in writing of the Harbour Master to such a launch.

#### 11) OBSTRUCTION

The master of any vessel shall not cause or permit such vessel to manoeuvre or be moored or placed, so as to obstruct unreasonably the free and convenient use of any part of the Harbour.

#### 12) 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 impede 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 and the Harbour Master.

#### 13) QUAYS TO BE KEPT CLEAR

No person shall leave or store on the Harbour premises or in any part of the Harbour any refuse, gear, item or materials whatsoever including fishing paraphernalia whether used or disused without the permission of the Harbour Master.

The Harbour Master may remove any such things deposited or left without permission, and any person contravening this bye-law shall, in addition to the penalty incurred for such breach, repay to the Authority the cost of the removal of any such items or materials.

#### 14) RACING.

The organiser of any boat race, regatta or any other occasion when a number of vessels are expected to assemble on the waters within the Harbour shall give not less than seven days 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. The master of any vessel not taking part in any authorised event shall avoid causing obstruction to any vessel taking part in the regatta.

#### 15) DREDGERS & HARBOUR WORKS.

The master of a vessel shall cause her: -

- (a) to be kept clear of dredgers or other craft engaged in the laying or retrieving of moorings, navigational works or salvage works authorised by the Harbour Master, and
- (b) to be navigated with care and caution and at a speed and in such a manner as not to cause injury to or endanger the lives of persons engaged in underwater work.

#### 16) DIVING.

No person shall undertake underwater operations or diving activities of any kind within the Harbour without the written consent of the Harbour Master being first obtained, (such consent not to be unreasonably withheld).

#### 17) MINIMUM AGE OF PERSON IN CHARGE.

No person under 16 years of age may be in sole charge of a power driven vessel with an engine capacity in excess of 10hp unless that person holds an RYA Powerboat Level 2 Certificate or equivalent.

#### 18) COLLISION.

The master of a vessel shall forthwith report to the Harbour Master any collision within the Harbour in which the vessel is involved and in which injury or damage shall have been caused to any other vessel or property.

#### 19) ANCHORS.

- (a) The master of every vessel shall ensure that its anchor and cable if carried are ready to be let go in the event of an emergency requiring their use for the safety of such vessel or any other vessel or property.
- (b) The master of a vessel shall not permit the anchor to be put down whether at moorings or in any other place in the Harbour within the breakwater except:
  - i. In case of emergency.
  - ii. For the purpose of swinging.

iii. With the previous sanction of the Harbour Master.

- (c) The master of a vessel shall ensure that any anchor put down in case of emergency shall be taken up as soon as practicable. The master of a vessel which has slipped, parted from or lost any anchor, chain, cable or other possible obstruction shall recover the same as soon as practicable.

#### 20) ATTENDANCE ON BOARD.

The master of a vessel shall, if required by the Harbour Master so to do, cause at least one responsible person to be on board at all times while such vessel is anchored in the Harbour.

#### 21) VESSELS TO BE PROPERLY MOORED.

Vessels in the harbour shall berth moor, anchor, place, or move only in accordance with the instructions given by the harbour master.

The master of every vessel shall at all times keep the same properly and effectively moored when at any public or private mooring place, or at any public or private quay, wharf or landing place.

A vessel may only use moorings, quay or wall attachments, or means of access to and from vessels which have been authorised by the Authority.

Every vessel berthed or moored in the harbour shall be securely made fast as close as is safe and practicable to a mooring, buoy, wharf, pier, quay, jetty, stage or dolphin.

#### 22) LAYING DOWN MOORING.

No person shall lay down any moorings, buoys or other tackle within the limits of the Harbour for the purpose of establishing a mooring without the written consent of the Harbour Master.

Any unauthorised or unlicensed moorings will be subject to removal by the Authority.

#### 23) VESSELS TO BE PROVIDED WITH PROPER FENDER.

- (a) The master of a vessel lying next to a quay in the Harbour shall fend off from it ensuring that sufficient number of fenders adequate for the size of their vessel are provided so as to prevent damage to any berth, mooring, other vessel or property.
- (b) Masters of vessels lying in tiers shall ensure that the vessels fend off from one another, the outside vessel fending from the inside one; that proper fenders are provided for that purpose, and the master of each vessel shall ensure that it has at least one mooring rope to shore.

24) PERMISSION.

No master of any vessel shall make fast to any other vessel without the permission of the master of such vessel, unless ordered to do so by the Harbour Master. The master will provide free and safe access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel. Permission must not be unreasonably withheld.

25) MAKING FAST.

No person shall make fast any rope, chain or tackle to any post, jetty, quay, fender or other thing or place not assigned for such purpose.

26) UNLAWFUL CASTING OFF.

No person shall, without the permission of that vessel's master or owner, cast adrift or loosen any vessel which is made fast or moored in the harbour

27) ACCESS.

The master of any vessel moored within the Harbour shall ensure, as and when necessary, that satisfactory means are provided for safe access to and from the vessel.

28) BOARDING.

The master of every vessel shall permit the Harbour Master to board such vessel at such reasonable times as he may desire and shall not obstruct or permit the Harbour Master to be obstructed whilst on board such vessel.

29) OBSTRUCTING COMMISSIONERS OFFICERS.

No person shall intentionally obstruct any Officer of the Authority in the execution of his duty.

30) NAVIGATION WHILST UNDER THE INFLUENCE OF DRINK OR DRUGS

- (a) No persons shall navigate or attempt to navigate a vessel when unfit by reason of drink or drugs.
- (b) No Master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Byelaw.

31) SWIMMING IS PROHIBITED WITHIN HARBOUR.

No person or persons shall swim for recreational purposes within the area of Maryport Harbour.

32) AIDS TO NAVIGATION.

- (a) No vessel shall moor to navigational buoys, navigational beacons or marks within the Harbour.
- (b) No person shall willfully or negligently damage or interfere with any Harbour lights, or any other lights exhibited by or the property of the Authority. The Master of any vessel running into, fouling or damaging any seamark shall immediately report the same to the Harbour Master.

### 33) ENGINES NOT TO BE USED UNNECESSARILY.

The master of every vessel which is berthed or moored shall ensure that her engines are not worked in such a manor as to cause damage to moorings or other property.

### 34) UNSEAWORTHY VESSELS

The master of any vessel shall not knowingly cause or permit such vessel to be moved or navigated or moored or anchored or beached or secured in any other manner in the Harbour whilst in an unsafe or unseaworthy condition except as is necessary for her safety and that of her crew and in such event the owner or Master shall, as soon as reasonably practicable, inform the Harbour Master and remove the vessel into such place as may be indicated by the Harbour Master.

### 35) VESSELS TO BE KEPT IN MOVABLE CONDITION

- (a) 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 seeking permission of the Harbour Master.
- (b) Where a vessel other than a small vessel or a vessel berthed within the marina in the Harbour 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.

### 36) VESSEL IN DANGER OF SINKING.

The master of any vessel in danger of foundering shall, where practicable, inform the Harbour Master of the circumstances before entering the Harbour, or if this is not practicable, as soon as possible after entering the Harbour and in either event shall conform to the directions given by the Harbour Master as to the navigation and berthing of such vessel.

### 37) ABANDONING, DESTROYING, BREAKING UP OR SETTING FIRE TO VESSELS.

No person who owns or has charge of a vessel shall intentionally abandon, set fire to, destroy or break up any vessel or wreck within the Harbour without the permission of the Harbour Master having been first obtained in writing and then only in such a position within the Harbour as may be approved by the Harbour Master in writing and, if necessary, a licence issued by the licensing authority for FEPA under the Food and Environment Protection Act 1985.

#### 38)OBSTRUCTION IN FAIRWAY.

No person shall cast or use drift or trawling or other net in any part of the Harbour, so as to become an obstruction or danger to the navigation of vessels.

#### 39)MARKING OF VESSELS.

The master or owner of a vessel not registered as a ship under the Merchant Shipping Act 1995 and marked accordingly shall ensure that she is marked conspicuously with her name or other similar means of identification, unless otherwise exempted by the Authority.

#### 40)DECLARATION OF PARTICULARS OF VESSEL.

- (a) The master of any vessel arriving at the Harbour shall, if requested and where applicable, furnish the Harbour Master with a statement of:
- i. the name, call sign and description of the vessel;
  - ii. DELETED
  - iii. the name of the master and the name and address of the owner;
  - iv. the place from which the vessel has arrived;
  - v. the port or place to which the vessel belongs if any;
  - vi. particulars of any cargo on board to be loaded or discharged
- (b) the master of any passenger boat departing from the Harbour shall furnish the Harbour Master with a statement of the number of passengers carried and the number of crew on board.
- (c) The master of any vessel to which this byelaw applies may delegate this requirement to an agent subject to the consent of the Authority.

#### 41)CHANGE OF OWNERSHIP OF VESSELS.

On any change in the ownership of a vessel kept within the Harbour the parties to the change shall ensure that immediate written notification is given to the Harbour Master.

#### 42)GRAPPLING.

No person shall dredge or grapple for any article or thing within the Harbour without the previous written permission of the Harbour Master.

43) VEHICLES AND GOODS.

No person shall place, or leave, or cause to be placed or left upon the quays, or elsewhere on land within the Harbour, any vehicle or part of vehicle or goods or structure.

- (a) so as to cause damage or obstruction.
- (b) So as unnecessarily and unreasonably to impede the use of such premises.

44) DELETED

45) CRANES AND MACHINERY.

- (a) No person shall, without being duly authorised by the Harbour Master, set in motion or interfere with, or intentionally obstruct or impede the use of any cranes, chains, movable property, gear or machinery, or other equipment of the Authority.
- (b) No lifting operations under the jurisdiction of the LOLER regulations (Lifting Operations and Lifting Equipment Regulations) are permitted on Harbour land or water without the prior written consent of the Harbour Master.

46) BRIGHT LIGHTS.

No persons shall exhibit in the Harbour, searchlights, floodlights or other bright lights or pyrotechnics other than those for indicating emergency or distress, in such a manner as to interfere with safe navigation unless the consent of the Harbour Master has first been obtained.

47) REMOVAL OF GRAVEL ETC.

No person shall remove any boulders, shingle, gravel and/or other material from any place within the Harbour without the sanction of the lawful owners thereof.

48) DISCHARGE OF SEWAGE AND OTHER MATERIALS IN TO THE HARBOUR

- (a) No person shall cause the discharge of sewage (except in the ordinary course of navigation) or other pollutant materials into the Harbour.
- (b) No person shall pour, pump or willfully or carelessly allow to escape into the Harbour any dangerous or offensive matter.

- (c) No person shall deposit or cause to be deposited any trade or other refuse, rubbish, garbage or sweepings in any place in the Harbour other than in such a place as the Harbour Master may approve in writing.
- (d) No person on board a vessel shall cause or permit petroleum spirit or oil of any description or water mixed with these liquids to be pumped or permitted to run into the waters of the Harbour.

49)LOADING, DISCHARGING OR TRANSFER OF FUEL OILS,  
LUBRICATING OILS OR OTHER POLLUTANT LIQUIDS.

- (a) No person shall within the Harbour area charge or recharge any vehicle, crane or other equipment with, or empty it of, fuel except with the permission of the Harbour Master or at a place designated by the Authority for that purpose.
- (b) No person shall load or unload fuel or bunkers from a vessel in the Harbour area except with the permission of the Harbour Master or at a place approved by the Harbour Master.
- (c) In all cases when fuel or bunkers are loaded on or unloaded from vehicles, plant or vessels, a responsible and competent person shall be in charge of the operation. All reasonable precautions shall be taken to prevent spillage of that fuel or oil.

50)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.

51)NOISE.

- (a) Every vessel within the Harbour fitted with or propelled by an internal combustion engine, shall unless otherwise authorised by the Harbour Master in writing carry connected to the exhaust of such engine, a silencer of such size and construction and so securely and properly fitted as to prevent a nuisance or annoyance arising from the noise of the exhaust there from.
- (b) No person on board a vessel moored within the Harbour shall cause to be used generators or other combustion engine machinery which is described as a noise nuisance between the hours of sunset to sunrise.
- (c) The master or owner of any vessel in the Harbour shall ensure that all rigging is so secured as to prevent noise from ropes, wires or lines rattling against the mast.

52)SAFE DRIVING OF VEHICLES.

- (a) 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 or under the influence of drink or drugs.
- (b) No person shall allow a vehicle to proceed anywhere in the Harbour at a speed greater than 10 miles per hour.
- (c) Any person driving or otherwise operating a vehicle involved in an accident in the Harbour 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.

#### 53) PENALTIES FOR NON-COMPLIANCE WITH BYELAWS.

- (i) Any person who contravenes any of these Byelaws or any conditions, requirement or prohibition imposed by the Harbour Master in the exercise of the powers specifically conferred upon him by these Byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (ii) Where the commission by any person of an offence under these Byelaws is due to the act of default of some other person, that other person shall be guilty of the offence and a person may be charged with and convicted of an offence by virtue of this Byelaw whether or not proceedings for the offence are taken against any other person.
- (iii) 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.
- (c) If in any case, the defence provided by paragraph (iii)a. of this Bye-Law involves the allegation that the commission of the offence was due to any act or default of any other person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information, as was then in his possession, identifying or assisting in the identification of that person.

#### 54) STANDARD SCALE OF FINES

The Criminal Justice Act 1982 provided for a standard scale of fines for summary offences above. At the time these Byelaws were made Level 4, as amended by the Criminal Justice Act 1991 (Commencement No 3) Order

1992, was £2,500. These sums are subject to change by further Act of Parliament or Statutory Order from time to time.

55) REVOCATION OF BYELAWS.

The Maryport Harbour Byelaws 1897 Made on 25<sup>th</sup> January 1898 are hereby revoked.

MADE this ..... day of .....20.....

THE COMMON SEAL of the Maryport Harbour Authority was hereto affixed in the presence of:

Mrs. A Kendal, Chairman  
Mrs. P Gorley, General Manager.  
Mr. N Foskett, Harbour Master

The Secretary of State for Transport hereby confirms the foregoing byelaws

Signed by the authority of the Secretary of State for Transport

this ..... day of .....20.....

Head of Ports Division  
Department of Environment,  
Transport and the Regions

Draft V3





The Maryport Harbour Revision Order 2007.

PART 1, Section 15, Management of the Undertaking

15. —(1) The limits within which the Authority shall continue to exercise jurisdiction as a Harbour authority within the meaning of section 57 of the Harbours Act 1964, and within which the powers of the Harbourmaster may be exercised, shall extend over the following area—.

- (a) the Harbour land; and
- (b) the area which is shown coloured blue on the Harbour map, being the area described in Schedule 3 to this Order. [The Maryport Harbour Revision Order 2007]

Draft V3