

MARYPORT HARBOUR AUTHORITY

CONSULTATION WITH STAKEHOLDERS AND INTERESTED PARTIES

Name	Group / Organisation	Date Distributed Comments Received Yes / No (Date)
I Johnston	Maryport Yachting Association	Distributed 29/10/2009
R Thomas	Maryport Yachting Association	“ “
F Davies	Maryport & Solway Fishing Co-op	“ “
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)	Distributed 03/10/2009 Yes (19/10/2009)
Capt C Hallam	Strategic Marine Services Ltd (Consultants)	Distributed 03/10/2009 Yes (19/10/2009)
G Lewis	RYA	Distributed 20/10/2009 Yes (27/11/2009)
C/o R Wynn	Trinity House	Distributed 29/10/2009
Various	Harbour Users Consultative Committee	“ “
-	Department for Transport (DfT) UK	-
J Parr	MFA	“ “
J Lihou	Port of Workington	“ “
Various	Members of Maryport Harbour Authority (Board)	Distributed 28/10/2009
T Reardon	Chamber of Shipping	Distributed 20/10/2009 Yes (28/10/2009)

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Date received	Interested party	Direction #	Comment or proposed change	Change approved (Y/N)	Comment	Amendment date
28/10/2009	Tim Reardon Chamber of Shipping	As detailed.	<p>I am pleased to confirm that the Chamber of Shipping is of the view that the GDs cover the points that they need to cover, and that it has no objections to their content. I would nonetheless offer a handful of observations about the wording of the draft:</p> <ul style="list-style-type: none"> The harbour area is referred to variously as either “ the harbour” or “ Maryport Harbour” . Only the first term is defined, and might be preferable for reasons of clarity in all places except the title. As regards the second paragraph of the introduction a Masters responsibility for his vessel and for people and things on it is different from any duty of care owed towards third parties and their property, and it may be worth drawing that distinction. Paragraph 6.1 – it might be worth outlining what exactly the harbourmaster must be 	<p>Y</p> <p>Y</p> <p>Y</p>	<p>E-mailed reply on 28th October 2009 accepting the recommendations. To implement changes.</p> <p>References made after definitions within Interpretation amended from ‘Maryport Harbour’ to The Harbour’</p> <p>Responsibilities separated out within text.</p> <p>Included text “of their intention” within paragraph.</p>	Draft Version No. 2

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			<p>advised of.</p> <ul style="list-style-type: none"> Paragraph 6.2 may give rise to questions of practicability, as the engines and steering on a stationary vessel arguably cannot be tested properly prior to the commencement of navigation/maneuvering; but the underlying point that they should be in working order is, of course, completely correct. 	Y	<p>Amended to:</p> <p>The master of any vessel underway is required to test the vessel's engines ahead and astern, and confirm correct operation of the steering system, as applicable, prior to entering the harbour. Any notifiable defect must be reported to the harbour master prior to commencing navigation within the harbour.</p> <p>The master of any vessel at berth is required to test the vessel's engines ahead and astern, and confirm correct operation of the steering system, as soon as reasonably practicable after departing from the berth. Any notifiable defect must be reported to the harbour master prior to commencing navigation within the harbour.</p>	
19/10/2009	Capt C Hallam	All	As Draft Version 1 (Prior to distribution)	-	-	N/a
19/10/2009	Capt B Hawley	All	As Draft Version 1 (Prior to distribution)	-	-	N/a
27/11/2009	Mr G Lewis	Intro	The Harbour Authority only has jurisdiction over the "harbour", as defined in the interpretation section and 2007 HRO. The Authority does not, therefore, have jurisdiction over the "approaches" to the harbour. All references to "the approaches" to the harbour should therefore be removed from the	Y	Agreed	Draft Version No. 2

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			Directions.			
27/11/2009	Mr G Lewis	4	Directions 4.1 and 4.2 conflict with Byelaw 4 and should be omitted.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	5	There is no general legal requirement for pleasure craft under 13.7m in length to carry VHF radio equipment. We therefore consider that Direction 5 is unduly onerous in so far as it applies to pleasure vessels. This Direction should therefore be applied only to vessels over 13.7m in length or dis-applied to pleasure vessels (as defined in the relevant Merchant Shipping Regulations).	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	6	Direction 6.1 is unduly onerous, particularly as it also applies to vessels simply passing through the arc of the harbour area outside the breakwaters. We consider that only larger vessels (i.e. over 20m) should be required to notify the harbour master of their intended arrival, departure or manoeuvring (this would reflect the regime in other ports, such as Southampton). We further believe that the proposed prohibition on vessels over 20m from navigating within the harbour without the harbour master's permission is an unreasonable interference with the public right of navigation and the open port principle set out in Section 33 of the Harbours, Docks and Piers Clauses Act 1847 (incorporated by Article 3(1) of the 2007 HRO) and should therefore be omitted. We consider that Direction 6.2 should	Y	<p>If the first sentence of Direction 6.1 were to read "The master of any vessel intending to arrive in or depart from the Harbour is required to notify the Harbour Master before doing so, except in an emergency",</p> <p>Given that this is a rare occurrence, would it not be more appropriate to rely on the notification Direction proposed above and then use a Special Direction under Art 30 of the 2007 HRO to regulate the movements of the occasional larger vessel? If so, the second sentence of Direction 6.1 should be omitted.</p>	Draft Version No. 2

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			also only apply to vessels over 20m in length.			
27/11/2009	Mr G Lewis	7	The rationale for including Direction 7.1 is unclear. Presumably the intention is that any vessel intending to depart the harbour should have on board such a publication?	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	8	We do not consider that the regulation of moorings in the harbour is relevant to navigational safety or the safety of persons and property and, as such, the provision of Direction 8 ought properly to be included in the Byelaws rather than the Directions.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	9	This Direction conflicts with Byelaw 5 and should be omitted.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	10	Direction 10.3 is unduly onerous to the extent that it unreasonably interferes with the exercise of the public right of navigation by non-motorised vessels that may be unaffected by such obstructions, such as dinghies or canoes. This Direction should therefore be restricted to power-driven vessels.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	11	Directions 11.2 and 11.3 conflict with Byelaw 19 and should be omitted.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	12	This Direction is unduly onerous as the extent to which the safety of recreational vessels is impeded by reduced visibility is significantly less than that of large commercial vessels. In addition, few small recreational vessels carry radar. We would therefore suggest that this	Y	Suggest to retain and limit to vessels of 20m or greater in length. It is also difficult to actually define at what point visibility actually becomes restricted. Perhaps a bit subjective. Would it also be possible to omit the word "written" before the word	Draft Version No. 2

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			Direction be omitted but, if it is to be retained, we would suggest that it should only apply to vessels over 20m in length.		“permission” and add the words “or in an emergency” after the words “harbour master”? This would at least give masters or larger vessels the option of obtaining permission from the Harbour Master by VHF and taking shelter in an emergency.	
27/11/2009	Mr G Lewis	13	This Direction does not relate to navigational safety or the safety of persons and property and is therefore not authorised by the 2007 HRO. In addition, this Direction conflicts with Byelaw 39. It should therefore be omitted.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	14	The provisions of this Direction are legal requirements under existing Merchant Shipping legislation. It is therefore inappropriate for them to be included within the Directions and this Direction should be omitted.	Y	The reporting requirements set out in the Merchant Shipping (Accident Reporting and Investigation) Regulations 2005 and summarised in MGN289 do not apply to pleasure vessels and only apply to recreational craft hired on a bareboat basis or craft under 8m in commercial use in a harbour if the accident involves an explosion, fire, death, major injury, capsizing of a power-driven craft or pollution causing significant harm to the environment. As such, in our view Direction 14.2 would go significantly wider than the underlying legislation and should be omitted. We would be content for Direction 14.1 to be retained, however.	Draft Version No. 2
27/11/2009	Mr G Lewis	15	This Direction conflicts with Byelaw 10 and should be omitted.	Y	Agreed	Draft Version No. 2

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27/11/2009	Mr G Lewis	16	This Direction conflicts with Byelaw 14 and should be omitted.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	17	We consider that the word "reasonably" should be inserted before the words "considered by the harbour master" and that the words "except in an emergency" should be added to the end of the Direction.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	18	This Direction conflicts with Byelaw 30 and should be omitted.	Y	Agreed	Draft Version No. 2
27/11/2009	Mr G Lewis	19	This Direction conflicts with Byelaw 49 and should be omitted.	Y	Agreed	Draft Version No. 2

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General Directions for Navigation in Maryport Harbour. [DRAFT VERSION 2]

Maryport Harbour Authority as the harbour and local lighthouse authority for Maryport Harbour in exercise of its powers under the Maryport Harbour Revision Order 2007, Article 28, (SI 2007 No. 3463) in force from 29th December 2007 hereby give the following general directions to vessels navigating within Maryport Harbour.

Whilst it is the duty of the master of any vessel navigating in Maryport Harbour to comply with these directions they do not in any way diminish the master's responsibility for the vessel, the persons on board that vessel or the vessels cargo. Nor do they in any way diminish the master's responsibility for any third parties and their property.

INTERPRETATION

- "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.

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- “Master” in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being.
- “Mooring” means any anchor, buoy, pile, post, chain, pillar, sinker or like apparatus or convenience used for the mooring of vessels.
- “Notifiable defect” means any defect pertaining to the safe navigation of a vessel.
- “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 the Harbour.
- “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.
- ‘Owner’ when used in relation to any vessel means the person or persons entitled to possession of the vessel.

1. COMMENCEMENT

- 1.1 These general directions may be cited as the Maryport Harbour General Directions 2010 and shall take effect from 1st January 2010

2. APPLICATION

- 2.1 These general directions shall apply to all parts of the harbour land & the Harbour.

3. COMPLIANCE

- 3.1 The harbour master may from time to time give special directions in relation to the operation of any vessel within the harbour.

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3.2 The master of any vessel who fails to comply with a general direction or a special direction shall be guilty of an offence under Article 31 of the Maryport Harbour Revision Order 2007.

4. COLLISION REGULATIONS

4.1 DELETED

4.2 DELETED

4.3 A number of vessels operating in the Harbour are constrained by their draught at some states of the tide and can only safely navigate within defined channels. Particular attention should be paid to Rule 9 of the collision regulations (See appendix 2).

4.4 In addition to Rule 9, any vessel (whether sailing or power-driven) which is not confined to a channel by reason of its draught, shall avoid making use of that channel if such use is likely to cause obstruction to any other vessel (whether sailing or power-driven) which is confined to that channel by reason of its draught.

5. USE OF VHF / RT EQUIPMENT

5.1 Any vessel over 13.7 metres in length must carry a fixed or portable VHF radio in good operational condition capable of monitoring and transmitting on channel 16 and 12. Any Vessel under 13.7m in length is strongly recommended to carry such equipment.

5.2 When underway in the Harbour any vessel over 7 metres in length must monitor VHF channel 12 (harbour operations).

6. ARRIVAL DEPARTURE PROCEDURES

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- 6.1 The master of any vessel intending to arrive in or depart from the Harbour is required to notify the Harbour Master or his deputy of their intention before doing so, except in an emergency.

Maryport Harbour Radio VHF Channel 12

Tel: +44 (0)1900 814 431

Fax: +44 (0)1900 810 212

E-mail: info@m-h-a.co.uk

- 6.2.1 The master of any vessel underway is required to test the vessel's engines ahead and astern, and confirm correct operation of the steering system, as applicable, prior to entering the harbour. Any notifiable defect must be reported to the harbour master prior to commencing navigation within the harbour.

- 6.2.2 The master of any vessel at berth is required to test the vessel's engines ahead and astern, and confirm correct operation of the steering system, as soon as reasonably practicable after departing from the berth. Any notifiable defect must be reported to the harbour master prior to commencing navigation within the harbour.

7. SAFE NAVIGATION

- 7.1 The master of any vessel over 7 metres in length intending to depart from the harbour is required to have on board an up to date *BA Chart 2013, St Bees Head To Silloth* and be familiar with the guidance contained in Admiralty Sailing Directions, West Coasts of England and Wales Pilot. NP37.
- 7.2 The master of any vessel should have a navigational plan in respect of any movement within the harbour and where practicable hold a copy of the 'Marine Safety in Maryport Harbour – A Guide to Safe Navigation'.
- 7.3 Local Notices to Mariners, information and regulations pertaining to safe navigation are available on request from the harbour office (see contact details, article 6.1).

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8. DELETED

9. DELETED

10. OBSTRUCTIONS

10.1 The harbour master may give directions to anyone causing an obstruction to remove such obstruction and also as to the time and manner that such removal is required to occur.

10.2 Vessels are prohibited from fishing within the fairways and harbour.

10.3 Due to dangerous underwater obstructions, power-driven vessels are prohibited from proceeding upstream of the River Ellen Bridge at Shipping Brow. Under exceptional circumstances navigation may be permitted upstream of the bridge with permission from the harbour master.

11. DELETED

12. RESTRICTED VISIBILITY

12.1 All vessels over 7 metres in length are prohibited, except with the prior permission of the harbour master or in an emergency, from navigating within the harbour during periods of restricted visibility without fully operational radar.

13. DELETED

14. ACCIDENT / INCIDENT REPORTING

The master of any vessel within the harbour involved in any kind of accident or incident resulting in a major injury (where applicable and as defined in Marine Guidance Note 289 (M+F) Annex B, as amended), or whose vessel has been in an accident or incident that may affect the safe navigation of their

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vessel must immediately report such accident or incident to the harbour master.

15. DELETED

16. DELETED

17. DANGEROUS VESSELS

17.1 Navigation is prohibited within the harbour for vessels reasonably considered by the harbour master to be a danger or likely to become a danger to other vessels, property or persons except in an emergency.

18. DELETED

19. DELETED

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APPENDIX 2

International Regulations for Preventing Collisions at Sea 1972 (as amended)

Rule 9

Narrow channels

- (a) *A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.*
- (b) *A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.*
- (c) *A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.*
- (d) *A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel.*
- (e) (i) *In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34(c)(ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34(d)*
- (ii) *This Rule does not relieve the overtaking vessel of her obligation under Rule 13.*
- (f) *A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34(e).*
- (g) *Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.*