

THE PORT OF BRISTOL

GENERAL BYELAWS

TABLE OF CONTENTS

		Page
PART I	PRELIMINARY	1
PART II	THE CONDUCT OF NAVIGATION AND THE GENERAL DUTIES OF MASTERS OF VESSELS	6
PART III	BERTHING AND MOORING	10
PART IV	BOATMEN AND HOBBLERS	13
PART V	ROAD AND RAIL TRAFFIC	14
PART VI	GOODS	18
PART VII	DOCKS AND HARBOUR PREMISES	20
PART VIII	PLEASURE CRAFT AND RECREATIONAL ACTIVITIES WITHIN THE HARBOUR	25
PART IX	GENERAL	26
PART X	SAVINGS, PENALTIES AND REVOCATIONS	28
SCHEDULE 1	Schedule of enabling powers referred to in the preamble	31
SCHEDULE 2	Specific legislation relied upon to introduce Parts II-X	33

First Corporate Shipping Limited (trading as The Bristol Port Company), being the harbour authority for the Port of Bristol and the Harbour of Bristol, in exercise of the powers conferred on it by the enactments listed in schedule 1 to these byelaws and of all other enabling powers, makes the following byelaws.

**PART I
PRELIMINARY**

1 Title and commencement

These byelaws may be cited as the Bristol Port General Byelaws 2005 and shall come into effect on the expiration of 28 days from the date of their being confirmed by the Secretary of State.

2 Application

2.1 These byelaws shall apply to all parts of the Port of Bristol and the Harbour of Bristol which are within the meaning of the expression "designated harbour" as defined in article 2.1 of the Port of Bristol Harbour Revision Order 1993 (SI 1993/2974).

2.2 These byelaws apply to all persons and vessels using the harbour or within the harbour premises and, in addition, the byelaws set out in part V apply to all roads from time to time within the harbour premises except for public roads and the byelaws set out in part VIII apply to pleasure craft and recreational activities within the harbour.

3 Division into parts

These byelaws are divided into parts as follows:

			Byelaw Nos
Part 1	-	Preliminary	1-5
Part II	-	The conduct of navigation and the general duties of masters of vessels	6-19
Part III	-	Berthing and mooring	20-32
Part IV	-	Boatmen and hobblers	33-38
Part V	-	Road and rail traffic	39-65
Part VI	-	Goods	66-70
Part VII	-	Docks and harbour premises	71-103
Part VIII	-	Pleasure craft and recreational activities within the harbour	104-106
Part IX	-	General	107-118
Part X	-	Savings, penalties and revocations	119-123
Schedule 1		Schedule of enabling powers referred to in the preamble	
Schedule 2		Specific legislation relied upon to introduce Parts II-X	

4 Interpretation

4.1 In these byelaws, unless the context otherwise requires, the following words or expressions have the following meanings:

"1996 Regulations"	means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (SI 1996/75);
"authorised officer of the Company"	means any person lawfully acting on behalf of the Company;
"berth"	means any place within the harbour where a vessel may properly lie whether at a quay, at a mooring or at anchor;
"boatman and hobbler"	means any person licensed by the Company to handle by boat or ashore a vessel's ropes, wires, lines or other moorings;
"the Company"	means First Corporate Shipping Limited, trading as The Bristol Port Company;
"constable"	means any officer of the harbour authority's police force duly appointed and sworn in by local magistrates;
"Dangerous Substances Regulations"	means the Dangerous Substances in Harbour Areas Regulations 1987 (SI 1987/37;)
"dock machinery"	includes all mechanical means of handling cargo, lockgates, capstans, guides, the machinery controlling them, fire hydrants and other equipment for the working of the port;
"docks"	means the West Dock (referred to in these byelaws as the Royal Portbury Dock), the Royal Edward Dock and the Avonmouth Dock and any locks and cuts by which those docks may be entered;
"fairway"	means any navigable channel which is a regular course or track of shipping, whether marked or dredged or not, and includes any waters regularly used by vessels as a turning or swinging area and the deep channel along the navigable course of the River Avon;
"goods"	means all articles and merchandise of every description and includes fish, livestock and animals;
"harbour"	means all tidal waters and all enclosed waters which lie within the area to which these byelaws apply and includes immediately adjacent quays and docks ancillary to the use of those waters;

"harbour master"	means the person appointed as the haven master and includes his authorised deputies, assistants and any other person authorised by the Company to act in that capacity; and any permission or instruction of the harbour master, unless the byelaw requires that it be in writing, includes any authority, permission or instruction given orally in person or by radio;
"harbour premises"	means the docks, quays and all other works, land and buildings for the time being vested in or occupied or administered by the Company and used for the purposes of or in connection with the harbour;
"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;
"IMDG Code"	means the International Maritime Dangerous Goods Code ID200E, 2002 edition published by and available from the International Maritime Organisation at 4 Albert Embankment, London SE1 7SR;
"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, handling 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;
"pedal cycle"	means a cycle as defined in section 192 of the Road Traffic Act 1988;
"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: <ul style="list-style-type: none"> (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); 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) and (b) above;
"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;
"public roads"	means all roads which are now or in the future dedicated for use as a public highway which at the date of these byelaws comprise Portbury Way, Portbury; Royal Portbury Dock Road, Portbury from its junction with the M5 extending in a northerly direction up to (and including) the roundabout at its junction with Portbury Way; Marsh Lane, Portbury, including its north-easterly extension; Redland Avenue, Portbury; Gordano Way, Portbury; M5 motorway; and King Road Avenue, Avonmouth;
"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;
"reception facilities"	means facilities, including facilities contained in road vehicles or other vessels, which enable vessels to discharge or deposit residues and mixtures, which residues and mixtures contain oil or noxious liquid substances;
"restricted areas"	means those parts of the harbour premises to which access is controlled by constables;
"river" and "River Avon"	means that part of the River Avon which lies within the jurisdiction of these byelaws and is to the south-eastward of an imaginary line joining Nelson Point Light and Saint George Front Leading Light and all pills and creeks communicating directly with that part of the River Avon;
"road"	means any road, pier, wharf, quay, bridge or other work or any land within the harbour premises accessible by vehicles;
"sail board"	means a raft with a sail or sails designed to be operated by a person or persons standing upright thereon;
"small vessel"	means any vessel of less than 24 metres in length;

"vehicle"	means any mechanically propelled vehicle including, without limitation, any of those vehicles referred to in sections 185, 186, 187 and 188 but not any vehicle defined in section 189 of the Road Traffic Act 1988;
"vessel"	means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle during such time as it is in or hovering over the water.

4.2 In these byelaws:

- 4.2.1 the expression "Highway Code" has the meaning given to it in section 38(8) of the Road Traffic Act 1988;
- 4.2.2 the expression "Collision Regulations" means the 1996 Regulations and any other regulations made pursuant to sections 85 and 86 of the Merchant Shipping Act 1995;
- 4.2.3 references to a byelaw are to numbered paragraphs of these byelaws; and
- 4.2.4 references to a part are to any part of these byelaws.

5 Application of Collision Regulations

In so far as the Collision Regulations do not apply within the harbour, the same rules as those set out in the Collision Regulations shall apply as part of these byelaws, subject to any conflicting provisions contained in these byelaws.

PART II
THE CONDUCT OF NAVIGATION
AND THE GENERAL DUTIES OF MASTERS OF VESSELS

6 Vessel movements

The master of a vessel other than a small vessel shall give reasonable prior notice to the harbour master of the vessel's arrival at, departure from or movement within the harbour.

7 Declaration of particulars of vessel

The owner or master of a vessel berthed in the harbour shall, on arrival or at any time thereafter and if required by the harbour master, furnish to the harbour master a declaration in the form to be obtained from him stating the master's own full name and containing a correct statement of the tonnage and draught of the vessel, its last port of call and destination, its ownership and the name of the local agents acting for the vessel while in the harbour, and particulars of its cargo and passengers.

8 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 1995 and marked accordingly, or is not a fishing boat entered in the fishing boat register and lettered and numbered accordingly, or is not an air cushion vessel registered in the United Kingdom in accordance with part I of the Hovercraft (General) Order 1972 (SI 1972/674) or marked in a manner approved by the Secretary of State shall ensure that the vessel is marked conspicuously with its name or other means of identification and harbour of origin (if any).

9 Vessels to navigate with care

The master shall navigate his vessel with such care and caution 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 obstruct or prejudice the navigation, manoeuvring, loading or discharging of vessels or cause unnecessary damage to moorings, river banks or other property.

10 Speed of vessels

10.1 Within the docks and except with permission of the harbour master and subject to byelaws 5 and 9 and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 6 knots.

10.2 Within the River Avon and except with permission of the harbour master and subject to byelaws 5, 9 and 10.3 and the Collision Regulations, the master of a vessel shall not cause or permit a vessel whose draught exceeds 2 metres to proceed at a speed greater than 6 knots, or a vessel whose draught is 2 metres or less to proceed at a speed greater than 9 knots and the operator of a personal watercraft shall not cause or permit a personal watercraft to proceed at a speed greater than 9 knots, such speeds being as measured over the ground.

10.3 Notwithstanding the speed limits imposed by byelaw 10.2, the master of any vessel approaching any pill or creek where vessels are moored or any sharp bend of the river shall reduce speed to a speed that is consistent with safe navigation, bearing in mind the circumstances of the situation, and the master of any vessel other than a small vessel that is going down the river against the flood tide shall stop the vessel above any sharp bend of the river if such a manoeuvre is necessary to avoid passing on the bend another vessel other than a small vessel coming up the river.

10.4 The master of any vessel granted permission by the harbour master to exceed a speed limit shall comply at all times with any conditions attached to that permission and, if within the River Avon, with byelaw 10.3.

10.5 In any proceedings for an offence under byelaws 10.1 and 10.2, it shall be a defence for the master or operator charged to prove that at the material time the vessel or personal watercraft was engaged in an emergency or rescue operation in circumstances where adherence to the speed limit would have been likely to have hindered the use of the vessel or personal watercraft for that purpose.

11 **Vessels not to anchor in areas where anchorage is prohibited**

11.1 The master of a vessel shall not cause or permit any of the vessel's anchors to be let go nor shall he allow the vessel to take the ground in the Prohibited Anchorage Areas which are delineated on the largest scale Admiralty chart and which lie:

11.1.1 in Redcliff Bay enclosing the area of the disused offshore oil terminal which lies between Charlcombe Bay and Hang Rock and within 1000 metres of the shore in the former location and 680 metres of the shore in the latter location and the straight line joining those two positions; or

11.1.2 in the River Avon at Broad Pill in the vicinity of the cable crossings marked by notice boards on either bank; or

11.1.3 in the River Avon in the vicinity of the Avonmouth (M5 motorway) Bridge within 120 metres downstream and 220 metres upstream of the bridge; or

11.1.4 in the River Avon at Hung Road in the vicinity of the cable crossings marked by notice boards on either bank.

11.2 Unless he shall have first obtained the permission of the harbour master, the master of a vessel shall not cause or permit the vessel to lie at anchor in the Prohibited Anchorage Area which is delineated on the largest scale Admiralty chart and which is established in King Road and in the entrances to Royal Portbury and Royal Edward Docks having:

11.2.1 for its seaward limits a line of bearing 164° - 344° True through Portishead Point Light, a line of bearing 067° - 247° True through the Cockburn buoy and an arc of radius 927 metres (half a sea mile) centred on North Pier Light; and

11.2.2 for its landward limits west of the entrance to Royal Portbury Dock a line joining Portishead Point Light to the Firefly buoy, thence to the Portbury Outer buoy and thence to the shore at Portbury Wharf 270 metres west of the landward end of the Portbury Long Sea Sewer outfall; and

11.2.3 for its landward limit in the mouth of the River Avon a line of bearing 092° - 272° True through Portbury Pier End Light.

11.3 The master of any vessel granted permission by the harbour master for the vessel to lie at anchor within the Prohibited Anchorage Area defined in byelaw 11.2 above shall comply at all times with any conditions attached to that permission.

11.4 In any proceedings for an offence under byelaw 11.2, it shall be a defence for the master to show that at the material time the vessel let go the anchor because she was in danger of collision or grounding or could not otherwise manoeuvre safely without the use of an anchor and that the anchor was weighed within a reasonable time after that situation ceased to apply.

12 **Vessels not to be made fast to aids to navigation**

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

13 Use of tugs

The master of any vessel carrying a liquid dangerous substance (as defined in regulation 3 of the Dangerous Substances Regulations) in bulk shall, if so directed by the harbour master, employ a tug or tugs to assist in the navigation of the vessel in the harbour.

14 Notification of collisions etc

The master of a vessel which:

- 14.1 has been damaged or caused damage in a collision with any vessel, buoy, beacon or mark used for navigational purposes or any other property; or
- 14.2 has been sunk or grounded or become stranded in the harbour area or the approaches thereto; or
- 14.3 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
- 14.4 in any manner gives rise to an obstruction to a fairway;

shall, as soon as reasonably practicable, report the occurrence to the harbour master and, as soon as practicable thereafter, provide the harbour master with full details in writing and, where the damage is such as to affect or be likely to affect its seaworthiness, the master shall not enter the vessel into any of the Company's locks or otherwise 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.

15 Vessels not to be used, navigated or moored in certain places without permission

- 15.1 Before a vessel is brought into the Royal Portbury Dock entrance from seaward to within 500 metres of the outer lockgates:

- 15.1.1 the master of that vessel shall have given prior notice of the vessel's arrival and have been allocated a berth for the vessel in that dock and the signal referred to in byelaw 16 shall have indicated that the vessel is to approach the lock; or

- 15.1.2 the master shall have otherwise obtained the permission of the harbour master to use, navigate or moor the vessel in the entrance.

- 15.2 Before a vessel is brought into the Royal Edward Dock entrance from seaward to within 400 metres of the outer lockgates:

- 15.2.1 the master of that vessel shall have given prior notice of the vessel's arrival and have been allocated a berth for the vessel in that dock or Avonmouth Dock and the signal referred to in byelaw 16 shall have indicated that the vessel is to approach the lock; or

- 15.2.2 the master shall have otherwise obtained the permission of the harbour master to use, navigate or moor the vessel in the entrance.

- 15.3 Before laying his vessel alongside any of the Company's tidal piers or jetties, or mooring his vessel to or otherwise using any pontoon berth, steps or ladders that are facilities of those tidal piers or jetties, the master of that vessel shall first obtain the harbour master's permission, or, in the case of any such tidal piers, jetties or their facilities that lie within the River Avon within 500 metres of Cumberland Basin outer lockgates, shall have obtained the permission of the harbour master of the City Council of Bristol or his authorised deputy or assistant.

16 Docking and other signals

In the case of the Royal Portbury and Royal Edward locks the Company and in the case of the Cumberland Basin lock within the River Avon the City Council of Bristol employ both by day and by night certain signals to regulate the movement of vessels in the approaches to the locks. Descriptions of these signals and their meaning are promulgated from time to time by Notice to Mariners and other means. The master of a vessel approaching a lock from seaward with the purpose of making use of it shall observe these signals and regulate the proceedings of his vessel by them.

17 Vessels not to lock out into King Road without permission

The master of a vessel wishing to sail from the Royal Portbury lock, the Royal Edward lock and those waters which constitute the Portishead Pier and Dock shall notify the harbour master by radio or other means when his vessel is ready to proceed into King Road and shall not proceed until the harbour master has advised him that it is safe to do so.

18 Competent person to be on the bridge

18.1 When a vessel is underway in the harbour the master of that vessel shall be on the bridge himself or 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 on board, is capable of understanding the pilot's directions.

18.2 In the case of a vessel which has no bridge, byelaw 18.1 shall have effect as if the references to the bridge were references to the place on the vessel from which the steering is directed.

19 Navigation while affected by drink or drugs

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

19.2 The master of a vessel shall not cause or permit any person to navigate or otherwise have charge of or 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 to do so, have that charge or undertake that activity.

**PART III
BERTHING AND MOORING**

20 Provision of proper fenders

The master and the owner of a vessel shall ensure that she is provided with a sufficient number of fenders of a type that would float in water and a size appropriate to the 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 any other property.

21 Vessels to be berthed and moved as directed

The harbour master shall determine the order in which vessels may enter or leave any lock and their position in the lock or alongside the lock walls, and the master of every vessel in the docks shall moor, or place and keep moored, the vessel where directed by the harbour master and shall move that vessel to or from any berth within the harbour in accordance with any directions which the harbour master may give from time to time.

22 Vessels to be properly moored

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

23 Vessels not to make fast to unauthorised objects

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

23.2 The master of a vessel shall not knowingly cause or permit any person to secure the vessel in contravention of byelaw 23.1.

24 Sufficiency of crew

Except with the permission of the harbour master, the master of a vessel shall at all times when the vessel is within the docks ensure that the vessel is capable of being safely moved and navigated and that there is a competent person in charge and sufficient crew or other competent persons readily available:

24.1 to attend to the vessel's moorings; and

24.2 to comply with any directions given by the harbour master for the unmooring, mooring and moving of the vessel; and

24.3 to deal, so far as reasonably practicable, with any emergency that may arise.

25 Vessels to be kept in a movable condition

25.1 The master of a vessel (other than a small vessel) shall not, except when it is unavoidable that his vessel lie 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.

25.2 Where at any time a vessel (other than a small vessel) is not capable of being safely moved by means of its own propulsive machinery, the master or owner shall, as soon as reasonably practicable, inform the harbour master and forthwith give to the harbour master any further information which he may reasonably require.

26 Use of propellers, etc, while vessel in the docks

- 26.1 Except in what he reasonably believes to be an emergency, the master of a vessel in the docks shall not permit any of the vessel's external means of propulsion or manoeuvring to be worked in such a manner as to cause injury or damage to any person or to any other vessel or property or to the bed, banks or quay walls of the harbour.
- 26.2 Except in what he reasonably believes to be an emergency, the master of a vessel lying at a berth in the docks shall not permit any of the vessel's external means of propulsion or manoeuvring to be worked unless the harbour master has given his previous consent and then at such time and place and in such manner and on such conditions as the harbour master shall direct.

27 Restriction on small craft in the docks

In the case of any small vessel or pleasure craft, the owner, master or person in charge or, in the case of a lifeboat or ship's boat, the master of the vessel to which that boat belongs, shall first have obtained the consent of the harbour master and shall thereafter comply with any reasonable conditions attaching to that consent before:

- 27.1 any small vessel, pleasure craft, lifeboat or other ship's boat is moored, used or navigated in the docks;
- 27.2 any small vessel or pleasure craft is locked into, launched or lowered into the docks and also before any such vessel or craft is locked out from, hoisted out or otherwise recovered from the docks; and
- 27.3 any lifeboat or other ship's boat is lowered into the docks and also before any such boat is hoisted out or otherwise recovered from the docks.

28 Access to and egress from vessels

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 length of the gangway.

29 Access across decks

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

30 Lost anchor, cable or propeller

The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller shall:

- 30.1 as soon as reasonably practicable give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs, shall cause it to be recovered as soon as reasonably practicable; and
- 30.2 in the case of an anchor or propeller leave a buoy to mark its position if known.

31 Vessels adrift, etc

- 31.1 The master of a vessel which parts from her moorings shall make every effort to resecure her at her berth or, if that is not possible, in some other place of safety and shall, in every case, as soon as possible report the circumstances to the harbour master.

31.2 The master of a vessel which is moored or at anchor in the tidal waters of the harbour and parts from her mooring or anchor or drags her mooring or her anchor shall take such action as may be appropriate to prevent the vessel causing damage or giving rise to danger to other vessels or property or obstructing a fairway and shall, in every case, as soon as possible report the circumstances to the harbour master.

32 **Mooring persons to be in attendance**

The master of a vessel that is entering or leaving the docks or moving from or to any quay within the docks shall provide for the attendance of a sufficient number of competent persons to handle, by boat or ashore, the vessel's ropes, wires, lines or other moorings to any pier, lock wall, quay, dolphin or buoy as may be necessary to moor or unmoor the vessel or to work the vessel into, through and out of a lock and to or from her berth.

**PART IV
BOATMEN AND HOBLERS**

33 Licencing of boatmen and hobbler

Licences shall be granted by the Company to such competent persons and to such number of competent persons as it thinks fit to act as boatmen and hobbler in the docks and in the approaches to them and in the River Avon and in the approaches to it.

34 Licences to be carried and produced

Every boatman and hobbler shall, while working in that capacity or while on the harbour premises, carry his licence and produce it for inspection when required by the shipowner or by the agent who ordered the service or by the master of the vessel in respect of which he is, or is about to be, working, or by the harbour master.

35 Licences not to be given to other persons to use

No boatman and hobbler shall allow his licence to be used by another person.

36 Unlicensed persons not to act

No person, other than a member of the crew of a vessel, shall, unless he holds a licence granted by the Company, perform the duties of or act as a boatman and hobbler for that vessel in any part of the docks or the approaches to the docks or the River Avon or the approaches to it.

37 Provision of a boat or boats

A person licensed as a boatman and hobbler shall provide at his own expense a suitable boat, or together with others shall provide at their joint expense suitable boats, for use in his or their work and such boat or boats shall be licensed and kept in good order and condition to the satisfaction of the harbour master.

38 Revocation of licence

The Company may at any time revoke the licence of a boatman and hobbler:

- 38.1 on the grounds of improper conduct either while working in that capacity or while on the harbour premises; or
- 38.2 if the Company is of the opinion that the holder of the licence is suffering from illness or physical infirmity or any defect of vision or hearing which may render him unfit to carry out the duties of a boatman and hobbler; or
- 38.3 if the boatman and hobbler has consistently failed to carry out his work satisfactorily.

**PART V
ROAD AND RAIL TRAFFIC**

39 Unlicensed vehicles

No person shall use, or cause or permit to be so used on the harbour premises any vehicle not licensed for use pursuant to the Vehicle Excise and Registration Act 1994 without first obtaining written authority to do so from an authorised officer of the Company.

40 Lights on vehicles and pedal cycles

The owner and driver of a vehicle and the rider of a pedal cycle in the harbour premises shall comply as regards lighting, reflectors and markings with the laws and regulations from time to time in force in respect of that vehicle and pedal cycle as would be applicable on public roads.

41 Maintenance of vehicles

The owner and driver of a vehicle shall at all times ensure that the vehicle and all of its parts and accessories are in such condition as would be required were that vehicle to be used on public roads.

42 Improper use of vehicles

42.1 No person shall use a vehicle or cause or permit a vehicle to be used on the harbour premises when the purposes for or the circumstances under which it is used are not those for which the vehicle is intended or suitable and such use would or may involve a danger of injury to any person or of damage to any property.

42.2 No person shall use a vehicle or cause or permit a vehicle to be used on the harbour premises when the weight, position or distribution of its load or the number of passengers carried by it or the manner in which they are carried is such that the use of the vehicle would or may involve a danger of injury to any person or of damage to any property.

43 Loads to be secured

The owner and driver of a vehicle on the harbour premises shall ensure that any load carried on or in such vehicle is adequately supported and secured and sheeted where appropriate and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

44 Observance of the Highway Code

Subject to any conflicting provisions contained in these byelaws, the rules in the Highway Code shall apply to all persons within the harbour premises.

45 Dangerous driving

No person shall drive a vehicle dangerously on the harbour premises and for the purposes of these byelaws the expression "dangerous driving" has the meaning given to it in section 2A of the Road Traffic Act 1988.

46 Careless and inconsiderate driving

No person shall drive a vehicle without due care and attention or without reasonable consideration for other persons or property.

47 Persons riding pedal cycles

Not more than one person shall be carried on a pedal cycle within the harbour premises unless the pedal cycle is constructed or adapted for the carriage of more than one person. If this byelaw 47 is contravened, every person carried shall be guilty of an offence.

48 Driving under the influence of drink, etc

No person shall drive or attempt to drive or be in charge of any vehicle when he is unfit to do so through drink or drugs and a constable may take such action as is reasonably necessary to prevent such person from driving or taking control of a vehicle.

49 Driver's view

The driver of a vehicle in motion shall ensure that he is in a position which commands a sufficient view of the direction in which the vehicle is moving and on either side of that direction.

50 Traffic signals and signs

The driver and any other person in charge of a vehicle and the rider of a pedal cycle shall comply with the direction or instruction given by any traffic sign or signal, whether given by any fixed or temporary sign, or by any constable in uniform, or by any person in charge of railway operations.

51 Speed limit for vehicles

Subject to compliance with byelaw 50, where that requires that a vehicle proceeds at a slower speed, no person shall allow a vehicle to proceed anywhere on the harbour premises at a speed greater than 40 miles per hour.

52 Supervision of vehicles

A person in charge of a vehicle on the harbour premises shall at all times comply with any reasonable directions of an authorised officer of the Company with respect to the loading, discharging, manoeuvring and removal thereof, and shall not, without the permission of an authorised officer of the Company, leave the vehicle unattended anywhere within the harbour premises, provided always that, where a vehicle is in the process of being, or is about to be, loaded or discharged, the person in charge may so leave the vehicle until the loading or unloading has been completed and shall thereafter remove the vehicle from the harbour premises with all reasonable dispatch.

53 Unattended vehicles

The person in charge of a vehicle shall not leave it until he has switched off the engine and fully applied the handbrake or, in the case of a trailer, until he has fully applied the parking brake or otherwise taken measures to ensure that it cannot accidentally be set in motion.

54 Restrictions on driving vehicles

No person shall, within the harbour premises, drive any vehicle on any quay or into any shed or warehouse or other building or into any loading bay or under any verandah or under any covered way or upon any footbridge, lockgate or caisson or upon any footpath designated for the use of foot passengers without first obtaining the permission of an authorised officer of the Company.

55 Restrictions on riding pedal cycles

No person shall within the harbour premises ride any pedal cycle upon any lockgate or caisson. No person shall within the harbour premises ride any pedal cycle upon any land

immediately abutting a lock or upon any footpath designated for the use of foot passengers without first obtaining the permission of an authorised officer of the Company.

56 Abnormal loads

The owner and driver of a vehicle carrying an abnormal load shall not cause or permit the vehicle to travel on a road within the harbour premises until he has obtained written authority to do so from an authorised officer of the Company and shall comply with any condition of such written authority.

57 Driving on weighbridges

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

58 Precedence of locomotives, etc

A person driving or otherwise operating a vehicle within the harbour premises shall give way to any locomotive, railway rolling stock or other rail vehicle.

59 Obstruction and danger to persons or property

No person in charge of a vehicle shall cause or permit the vehicle to remain at rest on a road in such a position or in such a condition or in such circumstances as may be likely:

59.1 to cause danger to other persons using the road; or

59.2 to obstruct the use of all or any part of any road, railway line, mooring place and cargo working area or interfere with the use or availability for use of any dock machinery.

60 Loads not to leak, spill or fall

The owner and driver of a vehicle on the harbour premises shall not cause or permit any substance to leak, spill or fall from the vehicle.

61 Refuelling, etc, of vehicles

No person shall, within the harbour premises, charge or recharge any vehicle with, or empty it of, fuel except with the permission of an authorised officer of the Company or at a place designated by the Company for that purpose.

62 Accidents to be reported

Any person driving or otherwise operating a vehicle involved in an accident on the harbour premises whereby any injury is caused to any person or any damage is caused to any property shall stop the vehicle and forthwith report the accident to a constable and shall give his name and address to the constable. The requirements of this byelaw 62 are without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (SI 1995/3163).

63 Goods to be declared

The driver or other person in charge of a vehicle carrying goods into the restricted areas of the harbour premises which goods are not to be discharged in those restricted areas shall, on arrival, declare the quantity and nature of such goods to the constable on duty at the entrance gate.

64 **Vehicles to halt at exit gate – passes for goods**

The driver of a vehicle proposing to carry goods out of a restricted area of the harbour premises shall, before doing so, drive such vehicle to a recognised exit and there halt, deliver to a constable a pass or passes authorising him to be in possession of all such goods, and not proceed until so authorised by that constable.

65 **Police checks and searches**

The driver or other person in charge of a vehicle on the harbour premises shall comply with any direction of a constable in order that the quantity or description of the goods on that vehicle may be verified. If so directed, the driver or other person in charge of any vehicle shall permit a constable to search that vehicle.

PART VI GOODS

66 Requirements as to handling and movement of goods in harbour

- 66.1 The owner of or person responsible for any goods shall comply with such directions as an authorised officer of the Company may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.
- 66.2 The owner of or person responsible for any goods discharged at the harbour shall ensure that the goods are removed from the harbour premises as soon as practicable and, in any event, within 48 hours unless the Company or an authorised officer of the Company otherwise agrees.
- 66.3 If any goods have not been removed from the harbour premises within 48 hours and the Company has not agreed to their remaining there for a period in excess of 48 hours, it may recover from the owner of or person responsible for those goods any costs it incurs in removing or dealing in any way with them.

67 Precautions against goods, etc, falling into harbour waters or on to the harbour premises

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 or an authorised officer of the Company may direct for the prevention of any cargo, dunnage, plastic sheeting, packaging, ballast or other materials from falling or escaping into the waters of the harbour or on to the harbour premises.

68 Obstruction of harbour facilities

No person shall, except with the permission of an authorised officer of the Company, deposit any goods or items of any kind in any part of the harbour premises where they will or may obstruct the use of any road, railway, building, mooring place, plant, cargo working area, dock machinery or apparatus or the access thereto.

69 Passes to be obtained to remove goods

No person carrying or having upon or with him or in or upon any vehicle any goods shall leave or attempt to leave the harbour premises unless and until he has obtained from an authorised officer of the Company the requisite pass to remove such goods and, if proceeding out of a restricted area of the harbour premises, he has complied with the requirements of byelaw 64.

70 Dangerous substances – restrictions

- 70.1 For the purposes of this byelaw 70, words and expressions have the same meaning as in the Dangerous Substances Regulations and references to class are references to the categories into which dangerous goods are divided in the IMDG Code.
- 70.2 The operator of a berth at which any of the following dangerous substances are handled shall ensure that such substances are handled direct between vessel and road vehicle and, except with the prior consent of the harbour master, are not deposited on the berth:
- 70.2.1 explosives in class 1; or
 - 70.2.2 toxic substances which are liable to give off poisonous gases; or
 - 70.2.3 infectious substances in class 6.2.
- 70.3 The operator of a berth at which any of the following are handled:

70.3.1 any substance named or referred to in byelaw 70.2; or

70.3.2 a flammable gas of class 2.1; or

70.3.3 a dangerous substance required by the IMDG Code to be stowed on the deck of the vessel to or from which it is to be or has been handled; or

70.3.4 a dangerous substance with regard to which an authorised officer of the Company has given directions under byelaw 66;

shall ensure that any road vehicle while carrying that substance remains on the harbour premises for as short a time as is reasonably practicable and utilises only suitable waiting and parking places under that operator's control or, if none are available, such other place or places on the harbour premises as an authorised officer of the Company may designate from time to time.

**PART VII
DOCKS AND HARBOUR PREMISES**

71 Pumping of bilges

The master of a vessel shall not permit bilge water to be pumped from the vessel into the docks unless the written consent of the harbour master shall have been first obtained or unless such action is necessary to avoid his vessel sinking.

72 Oil basin quays

Persons holding neither a jetty operator's permit nor a visitor's permit (either of which may be granted by the harbour master on application) shall not enter, attempt to enter or remain within the fenced-off area comprising the oil basin quays within the Royal Edward Dock. This byelaw 72 does not apply to crew members of vessels berthed in the oil basin.

73 Animals

73.1 No person shall bring or attempt to bring into the restricted areas of the harbour premises any animal listed in schedule 1 of the Rabies (Importation of Dogs, Cats & Other Mammals) Order 1974 (SI 1974/2211).

73.2 No person entering the restricted area of the harbour premises shall have, and no master of any vessel in the docks shall have or permit any person on board his vessel to have there, any ferocious or dangerous animal (which description includes any animal listed in the first column of the schedule of the Dangerous Wild Animals Act 1976) unless the animal is properly secured and kept under proper and sufficient control.

74 Deposit of rubbish, interference with refuse bins, etc

No person shall:

74.1 abandon, deposit or dump any materials, goods, furniture, machinery or items of any kind or any rubbish, refuse or waste at any place in the harbour premises not specifically appointed by the Company for such purpose; or

74.2 interfere with the contents of or remove anything from any receptacle, bin, container or place appointed or used for the time being for the deposit or storage of any rubbish, refuse, waste or other discarded items.

75 Disposal of garbage and waste from vessels

75.1 The master of a vessel shall ensure that:

75.1.1 any food and galley waste to be disposed of from his vessel is placed in the covered receptacles provided for that purpose on the quay by the Company;

75.1.2 only food and galley waste is placed in those receptacles;

75.1.3 the receptacles are kept closed when not in use; and

75.1.4 the area in the vicinity of the receptacles is kept clean.

75.2 The master of a vessel who wishes to dispose of other waste materials including, without limitation, waste paper, packaging, empty drums, cargo waste, sweepings and machinery waste, shall:

75.2.1 order and make use of the repayment service provided by the Company, stipulating the nature and quantity of waste to be disposed of, or arrange through his vessel's

agent for the collection and disposal of the waste concerned by a person authorised to do so under any applicable legislation;

75.2.2 not land or permit to be landed any such waste before the service is provided or the collection takes place;

75.2.3 ensure that any bins or other container supplied are used only for the disposal of the waste for which they have been ordered and are not contaminated with food or galley waste; and

75.2.4 ensure that, so far as reasonably practicable, all waste is placed in the bins or container provided and that the area in their vicinity is kept clean.

75.3 No person other than a member of the crew of a vessel or person employed, engaged or authorised by the master of a vessel shall dispose of any item of any kind in any receptacle, bin or other container provided for the use of a vessel under byelaws 75.1 and 75.2.

76 **Washing decks**

The master of a vessel in the docks shall not permit or suffer any deck to be washed or cleansed until the same shall have been carefully swept and until such sweepings shall have been removed to a place provided for their reception. The master of a vessel shall not permit sweeping, washing or cleansing of decks while the vessel is lying in a lock.

77 **Repair work prohibited on quays, etc**

The master of a vessel in the docks shall not undertake on the quay or permit any other person to undertake on the quay any repairs to any part of his vessel, or any equipment or any other item from or for the vessel, except with the prior permission of the harbour master and then only subject to such reasonable conditions as the harbour master may impose.

78 **Removal of materials, plant and equipment**

All surplus materials and all plant and equipment used in connection with repairs to a vessel in the docks shall be removed from the quays and roads by the owner of such materials, plant and equipment forthwith on request by the harbour master or authorised officer of the Company and in any case within 72 hours after the repairs to the vessel have been completed.

79 **Smoking prohibited**

No person shall smoke or carry any lighted pipe or cigarette or other lighted smoking material within the restricted area of the harbour premises provided always that a person may smoke in such area or areas within the restricted area of the harbour premises as may from time to time be appointed by the Company for the purpose of smoking.

80 **Fires and naked lights**

No person shall light, or attempt to light, or use any open fire or naked flame within the harbour premises except with the permission of an authorised officer of the Company and subject to such conditions as the Company may prescribe from time to time.

81 **Use of equipment likely to cause combustion (hot work)**

No person on the harbour premises shall use and no master of any vessel in the docks shall use or permit any person on board his vessel to use any welding, cutting, grinding or other equipment likely to cause the combustion of flammable materials, liquids or gases except with the permission of an authorised officer of the Company and subject to such conditions for the carrying out of hot work as the Company may prescribe from time to time.

82 Discharging firearms, fireworks or explosives

No person shall without lawful authority:

- 82.1 have any loaded firearm, firework or other explosive substance within the harbour premises; or
- 82.2 discharge any loaded firearm, firework or other explosive substance within the harbour premises or from any vessel berthed in the docks.

83 Materials falling into the docks

When any rope, fender or any material of any kind whatever falls overboard from a vessel into the waters of the docks and is not immediately recovered, the master of the vessel concerned shall, as soon as possible, report to the harbour master the circumstances and the position, nature and quantity of the material in question.

84 Discharge of material into rhines, drains, etc

No person shall, without the previous approval of an authorised officer of the Company, discharge trade effluents or materials of any kind into the rhines, streams, ditches, drains or sewers on the harbour premises.

85 No person to enter the harbour premises without permission unless on business

For the purposes of regulating the conduct of all persons employed in or in connection with or using or resorting to any part of the harbour premises, no person who cannot satisfy either a constable or an authorised officer of the Company that he is lawfully employed in or about the harbour premises or that he has lawful and proper business to conduct there shall enter or attempt to enter the harbour premises or any part of them without having obtained a written authority from an authorised officer of the Company for that purpose and any person in the harbour premises shall, on request of any constable, produce such written authority. On a failure by any person to produce such written authority, any constable may require that person to leave the harbour premises immediately.

86 Boarding and interference with vessels

- 86.1 No person, other than a member of the crew, and such other 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 86 may be forthwith removed by a constable.
- 86.2 Subject to byelaw 86.3, no person 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 docks or at any mooring place in the harbour. Nor shall any person make any change to the securing of or otherwise interfere with the fenders of or the means of access to a vessel that lies berthed in the docks or at any mooring place in the harbour.
- 86.3 The provisions of byelaw 86.2 shall not apply to a member of the crew of the vessel concerned or to a boatman and hobbler engaged by the owner or master of that vessel or their agent or, for good reason, the harbour master or any person acting with his authority.

87 Persons to account for their business in the harbour premises

Any person suspected of an offence in the harbour premises who, upon being questioned by any constable shall not give a proper account of himself and his business and submit to and obey the lawful orders of the constable, may be removed from the harbour premises as a trespasser forthwith by the constable and excluded from the harbour premises.

88 **Unauthorised entry and trespassing**

No person shall enter or leave or attempt to enter or leave the harbour premises or any area or building within the harbour premises other than by means of an approved entrance or exit.

89 **Roads, quays, etc, closed to pedestrians**

Where, for any reason, a road, quay or other area within the harbour premises is closed to the use of pedestrian traffic, no pedestrian shall walk beyond the official notice closing or restricting the use of such road, quay or area.

90 **Nuisances**

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

91 **Bathing in docks**

No person shall bathe in the docks or in any waters on the harbour premises.

92 **Fishing in docks**

No person shall fish in the docks.

93 **Drift or trawling nets not to obstruct vessels**

No person shall cast or place any drift, trawl or other net in such a position in the harbour 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.

94 **Playing games**

No person shall engage in or play any athletic sport or athletic game within the harbour premises.

95 **Unauthorised trading prohibited**

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

96 **Meetings**

Except with the permission of the harbour master, no person shall within the harbour premises:

96.1 organise any general meeting; or

96.2 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.

97 **Connection to gas or water mains or electricity cables**

No person shall, without the previous approval of an authorised officer of the Company and on such terms and conditions as the Company and that officer may impose, make a connection to the Company's gas or water mains or electricity cables within the harbour premises.

98 **Interference with plant, dock machinery, lockgates etc**

No person shall, without lawful authority:

98.1 use, work, move, tamper or interfere with any plant, dock machinery, equipment or apparatus at the harbour premises; or

98.2 open, draw or shut or cause to be opened, drawn or shut any lockgate, sluice paddle or valve tunnel or bridge of any dock basin, lock caisson or cut under control of the Company.

99 **Access to lockgates**

No person shall enter or remain or attempt to enter upon any lockgate under the control of the Company while it is in motion, or pass over, under or beyond any chain or barrier placed before or across any such lockgate before it is swung, or step on such lockgate before the chain or barrier shall have been removed by an officer or servant of the Company on duty at the lockgate, and no person other than such officer or servant shall remove, unfasten or interfere with any such chain or barrier.

100 **Damaging or defacing premises**

No person shall damage or wilfully deface any part of the harbour premises or any of the Company's property.

101 **Defacing notices, etc**

No person shall destroy or deface any authorised notice, bill or placard.

102 **Affixing notices, etc**

No person shall, without the previous approval of an authorised officer of the Company, affix or cause to be affixed any notice, bill or placard or distribute any notice, bill, leaflet or placard anywhere within the harbour premises.

103 **Property found**

Any person who shall find on the harbour premises any article or thing which shall have been dropped, lost or mislaid shall deliver or report the same to a constable as soon as reasonably practicable.

**PART VIII
PLEASURE CRAFT AND RECREATIONAL ACTIVITIES**

103.1 WITHIN THE HARBOUR

104 Laying down moorings, buoys and other tackle for the use of pleasure craft

104.1 A person shall only lay down a mooring, buoy or tackle for the use of pleasure craft with the prior consent in writing of the harbour master and in accordance with such conditions as the harbour master may impose, provided that a pre-existing mooring, by which is meant any mooring, buoy or tackle for the use of pleasure craft in place on the date of commencement of these byelaws and located wholly within a pill or creek of the River Avon, shall, if registered with the harbour master within three months of that date, be deemed to have the consent of the harbour master and fulfil all his conditions.

105 Water skiing, aquaplaning, etc

No person shall engage or take part in water skiing, aquaplaning, kiting, parachute towing or any similar activity in the River Avon except with the prior written permission of the harbour master given either specifically or generally and then only in such areas as may be designated by the harbour master and in accordance with such reasonable conditions as the harbour master may impose.

106 Boat races and regattas

106.1 Any person responsible for organising any regatta, race, procession, pageant or any other similar event, or any part of any such event in which a number of vessels is expected to participate or to assemble within the harbour, shall give reasonable prior notice to the harbour master and supply to him such information with regard to the event as he may reasonably require to enable him to decide whether to consent to the holding of the event or the part of such event within the harbour, such consent not be unreasonably withheld.

106.2 The harbour master may cancel or alter any conditions of such approval on giving reasonable prior notice to the organiser.

**PART IX
GENERAL**

107 Inspection facilities, etc, to be made available to 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 her inspection and examination.

108 Fire precautions

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

109 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.

110 Vessels not to be fumigated without permission

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

111 Dumping in harbour water prohibited

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

112 No dragging or grappling without permission

Without prejudice to byelaw 30 no person shall drag or grapple for any material or article, nor remove the same from the bed or the waters of the harbour without the prior approval of the harbour master, save for the purpose of recovering immediately anything dropped overboard in a designated mooring area.

113 Bunkering of vessels

113.1 For the purposes of this byelaw 113 bunkering means the pumped transfer of oil from a supplying vessel or vehicle to a receiving vessel and oil means any flammable liquid needed for the operation or lubrication of any of the receiving vessel's machinery.

113.2 The master or owner of a vessel shall not cause or permit the vessel to be bunkered unless he has previously notified the harbour master.

113.3 Before bunkering operations commence, the master of the receiving vessel and, if appropriate, the master of the bunkering vessel shall each ensure in respect of their own vessel and all matters under their control that:

113.3.1 the vessel is securely moored;

113.3.2 the bunkering hoses used are in good condition, properly connected and secured, have a fair lead and sufficient slack to allow for any movement of the vessel;

113.3.3 all other reasonable precautions have been taken to prevent the spillage of oil or, should such spillage occur, to confine it so that it does not escape into the waters of the harbour; and

113.3.4 the check list issued by the Company in respect of bunkering has been completed.

113.4 During bunkering operations the master of the receiving vessel and the master of the bunkering vessel or the driver or other person in charge of the road vehicle supplying the bunkers shall each ensure that surveillance is constantly maintained throughout the relevant operation by a competent person and the master of the receiving vessel shall ensure that there are effective arrangements in place to ensure that pumping may cease promptly in an emergency.

114 Use of reception facilities

114.1 The master of a vessel shall, prior to discharging any residues or mixtures which contain oil or noxious liquid substances, inform the harbour master of his intention to do so and provide details of the receiver, the time, place and means of discharge and the quantity and content of the substances to be discharged.

114.2 Before and during the discharge to reception facilities the master of the discharging vessel and the receiver shall take all or any of those measures described in byelaw 113 which are relevant and all other reasonable precautions to prevent, limit and confine the spillage of any residue or mixture being transferred.

114.3 If this byelaw 114 is contravened and a spillage occurs, the harbour master may arrange for any cleaning and other necessary steps to be undertaken and any costs he incurs in so doing may be recovered by the Company from the relevant vessel owner, master, receiver or any other person held responsible.

115 Diving operations

115.1 No diving is to take place within the harbour without the prior consent of the harbour master.

115.2 Where the harbour master has approved any diving, all persons taking part shall comply with the Diving at Work Regulations 1997 (SI 1997/2776) and any instructions given by the harbour master.

116 Interference with fire fighting, etc, equipment

Except with the permission of an authorised officer of the Company, no person shall use, obstruct, remove, interfere or tamper with any fire fighting equipment or any life saving apparatus except for the purpose of combating fire or saving life.

117 Taking of water

No person shall take water from any tap, hydrant or bucket belonging to the Company except:

117.1 where water is provided by the Company for use by individuals for drinking, sanitary, hygiene or cleansing purposes and is to be so used; or

117.2 with the permission of an authorised officer of the Company; or

117.3 to prevent or extinguish fire.

118 Obstruction of constables, officers or employees of the Company

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

PART X
SAVINGS, PENALTIES AND REVOCATIONS

119 Saving of powers, etc

Nothing contained in these byelaws shall be construed as in any way limiting or restricting the lawful powers of the Company as a statutory harbour authority or the harbour master or any of its other officers or servants under any statute or otherwise.

120 Saving for emergencies

Nothing in these byelaws shall prohibit the master of a vessel or any other person from doing anything reasonably 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.

121 Saving of Crown Rights

Nothing contained 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, 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.

122 Penalties

- 122.1 Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the Company or the harbour master in the exercise of the power conferred upon it or him by these byelaws shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine pursuant to byelaw 122.2.
- 122.2 Contravention of any of byelaws 9, 11, 13, 15, 18, 19, 21, 25, 26, 41, 42, 43, 45, 48, 72, 79, 80, 81, 82, 98, 99, 106, 107, 108, 109, 113, 114 and 115 shall be punishable with a fine not exceeding level 4 on the standard scale. Contravention of any of byelaws 14, 17, 22, 24, 28, 30, 31, 32, 46, 50, 51, 60, 68, 71, 74, 75, 84, 85, 86, 104, 105 and 116 shall be punishable with a fine not exceeding level 3 on the standard scale and, in the case of a continuing offence under byelaw 84, a further fine not exceeding level 2 for each day during which the offence continues after conviction. Contravention of other byelaws shall be punishable with a fine not exceeding level 2 on the standard scale.
- 122.3 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 these byelaws whether or not proceedings for the offence are taken against any other person.
- 122.4 In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove that:
- 122.4.1 he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
- 122.4.2 he had a reasonable excuse for his act or failure to act.
- 122.5 If, in any case, the defence provided by byelaw 122.4 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 Company a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

SCHEDULE 1

Schedule of enabling powers referred to in the preamble

- 1 Sections 83 and 84 of the Harbours, Docks and Piers Clauses Act 1847(a), as incorporated by section 3 of the Bristol Dock Act 1848(b).
- 2 Sections 48 and 67 of the Bristol Dock Act 1848.
- 3 Sections 3 and 49 of the Bristol Port and Channel Dock Act 1864(c).
- 4 Sections 1 and 16 of the Bristol Dock Act 1865(d).
- 5 Section 2 of the Bristol Port and Channel Dock Act 1877(e).
- 6 Section 2 of the Bristol Port and Channel Dock Act 1880(f).
- 7 Section 3 and Section 48 of the Bristol Dock Act 1881(g).
- 8 Sections 32 and 33 of the Bristol Dock Act 1884(h).
- 9 Sections 2 and 27 of the Bristol Dock Act 1886(i).
- 10 Sections 3 and 23 of the Bristol Dock Act 1897(j).
- 11 Sections 3 and 31 of the Bristol Docks and Railways Act 1901(k).
- 12 Sections 3 and 25 of the Bristol Corporation Act 1902(l).
- 13 Sections 3, 7 and 18 of the Bristol Corporation Act 1903(m).
- 14 Section 28 of the Bristol Corporation Act 1906(n).
- 15 Sections 8, 10, 11 and 12 of the Bristol Corporation Act 1908(o).
- 16 Sections 3, 12 and 64 of the Bristol Corporation Act 1918(p).
- 17 Sections 3 and 9 of the Bristol Corporation Act 1926(q).
- 18 Section 72 of the Bristol Corporation (No. 2) Act 1930(r).
- 19 Sections 3 and 5 and 12 and 16 of the Bristol Corporation Act 1938(s).
- 20 Section 3 of the Bristol Corporation Act 1955(t).
- 21 Section 30 of the Bristol Corporation Act 1961(u).
- 22 Sections 4(1), 5(1) and 19 and 32 and 36(3) of the Bristol Corporation (West Dock) Act 1971(v).
- 23 Article 3(1) to (3) of the Bristol Port and Harbour Revision Order 1972(w).
- 24 Article 4 of the Bristol Port and Harbour Revision Order 1976(x).
- 25 Regulation 43 of the Dangerous Substances in Harbour Areas Regulations 1987(y).
- 26 Article 3 of the Port of Bristol Harbour Revision Order 1993(z).

- (a) 1847 c. xxvii
- (b) 1848 c. xliii
- (c) 1864 c. ccxli
- (d) 1865 c. xxxiii
- (e) 1877 c. lxv
- (f) 1880 c. xlix
- (g) 1881 c. clxviii
- (h) 1884 c. cclv
- (i) 1886 c. xcvi
- (j) 1897 c. ciii
- (k) 1901 c. cclxiv
- (l) 1902 c. cxlii
- (m) 1903 c. ccxi
- (n) 1906 c. cc
- (o) 1908 c. lv
- (p) 1918 c. xlii
- (q) 1926 c. xcix
- (r) 1930 c. clxxx
- (s) 1938 c. lxxix
- (t) 1955 c. xx
- (u) 1961 c. xliv
- (v) 1971 c. lv
- (w) SI 1972/1931
- (x) SI 1976/1067
- (y) SI 1987/37
- (z) SI 1993/2974

SCHEDULE 2

Specific legislation relied upon to introduce Parts II-X

Section 83 of the Harbours, Docks and Piers Clauses Act 1847 as incorporated into the Bristol Dock Act 1848

The Undertakers may from Time to Time make such Byelaws as they shall think fit for all or any of the following Purposes; (that is to say.)

For regulating the Use of the Harbour, Dock, or Pier:

For regulating the Exercise of the several Powers vested in the Harbour-master:

For regulating the Admission of Vessels into or near the Harbour, Dock, or Pier, and their removal out of and from the same, and for the good Order and Government of such Vessels whilst within the Harbour or Dock, or at or near the Pier:

For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all Goods within the Limits of the Harbour, Dock, or Pier, and the Premises of the Undertakers:

For regulating (with the Consent of the Commissioners of Her Majesty's Customs) the Hours during which the Gates or Entrances or Outlets to the Harbour, Dock, or Pier shall be open:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Undertakers as others, not being Officers of Customs or Excise, who shall be employed in the Harbour, Dock, or Pier, and the Premises of the Undertakers:

For regulating the Use of Fires and Lights within the Harbour, Dock, or Pier, and the Premises belonging thereto, and within any Vessel being within the Harbour or Dock, or at or near the Pier, or within the prescribed Limits (if any):

For preventing Damage or Injury to any Vessel or Goods within the Harbour or Dock, or at or, near the Pier, or on the Premises of the Undertakers:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Undertakers, and the Duties and Conduct of all Weighers and Meters employed by them:

For regulating the Duties and Conduct of the Porters and Carriers employed on the Premises of the Undertakers and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And the Undertakers may from Time to Time, as they shall think fit, repeal or alter any such Byelaws: Provided always, that such Byelaws shall not be repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or the Provisions of this or the Special Act; and such Byelaws shall be reduced into Writing, and have affixed thereto the Common Seal of the Undertakers if they be a Body Corporate, or the Signatures of the Undertakers or Two of them if they be not a Body Corporate, and if affecting other Persons than the Officers or Servants of the Undertakers shall be confirmed and published as herein provided.

Part II	The conduct of navigation and the general duties of masters of vessels
Part III	Berthing and mooring
Part V	Road and rail traffic
Part VI	Goods

Part VII	Docks and harbour premises
Part VIII	Pleasure craft and recreational activities within the harbour
Part IX	General
Part X	Savings, penalties and revocations

Section 84 of the Harbours, Docks and Piers Clauses Act 1847 as incorporated into the Bristol Dock Act 1848

The Undertakers may, by the Byelaws so to be made by them, impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Breach of such Byelaws: Provided always, that such Byelaws shall be so framed as to allow the Justices or Sheriff before whom any Penalty imposed thereby shall be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Part X	Savings, penalties and revocations
--------	------------------------------------

Section 49 of the Bristol Port and Channel Dock Act 1864

The Company from Time to Time may make, alter, and repeal such Byelaws as they think fit for regulating the Removal and Disposal of all Ballast brought by any Vessel, and for regulating the Supply of Ballast to Vessels.

Part VII	Docks and harbour premises
----------	----------------------------

Section 48 of the Bristol Dock Act 1881

In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 or in any other enactment enabling the Corporation to make byelaws or regulations they may from time to time make such byelaws and regulations as they think fit for all any or either of the following purposes (that is to say):

For prohibiting removing and regulating the placing of any matters or things in the Corporation docks which could tend to obstruct or impede the navigation therein;

For regulating the use of and the moving of carriages waggons and trucks along the rails sidings and turntables of the Corporation in and along the quays;

For regulating the conduct of the owners masters and crews of vessels propelled by steam with respect to the rate of speed at which they may proceed within the Corporation docks or any part or parts thereof respectively and for requiring such vessels to stop or slow their engines at such times and places as the Corporation may require;

For regulating the towing of vessels within the Corporation docks the size and number of vessels to be towed in one train or by one or more tug boats the speed at which tug boats shall proceed whether towing or not the order and manner in which the towage shall be given and the duties and conduct of all persons employed in or upon tug boats;

For regulating the terms and conditions of the granting of licenses for tug boats and to the masters thereof;

For regulating the conduct of all persons employed in or in connexion with or using or resorting to any part of the Corporation docks or works not now being the property of the Bristol and Portishead Pier and Railway Company;

~~¹For regulating the terms and conditions of and the payments to be made for the granting of any licenses under the powers of this Act;~~

For the prevention of cruelty in the shipping unshipping landing and removal of animals;

For fixing the rents rates tolls duties and charges for and for regulating the use of warehouses sheds depots quays railways tramways sidings trucks cranes barges machinery and appliances and labour provided by the Corporation;

~~¹For fixing the rates to be charged for hire and use of tug boats and for the towing of vessels;~~

For preventing the smoking lighting or burning of tobacco or any herb or substance in or on any quays warehouses sheds or works of the Corporation;

The provisions of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply to all byelaws and regulations which do not solely relate to the Corporation or their officers or servants but no such byelaws or regulations nor any byelaws made by the Corporation under that Act shall have any force or effect unless and until the same be confirmed by the Board of Trade;

The penalties imposed by any such byelaw for any breach thereof shall be in addition to any damages recoverable by the Corporation or by any person or company for any loss or injury to them or him or to their or his property consequent on such breach.

Part II	The conduct of navigation and the general duties of masters of vessels
Part III	Berthing and mooring
Part V	Road and rail traffic
Part VII	Docks and harbour premises
Part VIII	Pleasure craft and recreational activities within the harbour
Part IX	General
Part X	Savings, penalties and revocations

Section 64 of the Bristol Corporation Act 1918

- (1) *For the better navigation of vessels in the docks of the Corporation and in the approaches thereto from the Rivers Avon and Severn and for the use and accommodation of vessels frequenting the said docks the Corporation may from time to time license such number of boatmen riggers hobbler and other proper persons for such periods yearly or otherwise and on such terms and conditions as they may think fit and may charge such sum for every such licence at a rate not exceeding five shillings per annum as they may think fit Provided that a licence shall not in the first instance be unreasonably refused to any boatman rigger or hobbler who at any time during the twelve months immediately preceding the passing of this Act has been employed in such capacity at the docks Provided also that the Corporation may at any time revoke any such licence by reason of the misconduct or inefficiency of the person holding the same Provided further that if any dispute arise between any boatman rigger or hobbler and the Corporation with respect to the refusal or revocation of or refusal to renew such licence such dispute shall be settled by the county court judge at Bristol in a summary*

¹ Repealed by the Bristol Corporation Act 1961

manner who in the case of any revocation or refusal to renew such licence shall have regard to the terms and conditions upon which such licence was granted and to the byelaws of the Corporation for the time being in force Nothing in this section shall entitle such boatmen riggers hobbler and other persons to act as pilots or to supersede or take the place of any licensed pilot.

- (2) *No person other than a member of the crew of any vessel shall unless he be the holder of a licence granted by the Corporation under this section navigate tow move or work such vessel in any of the said docks or the approaches thereto and any person acting in contravention of this subsection shall be liable on summary conviction to a penalty not exceeding forty shillings.*
- (3) *The Corporation may make byelaws for and in relation to any of the matters referred to in this section and for regulating the conduct or remuneration of persons holding licences granted under this section.*

Part IV Boatmen and hobbler

Section 30 of the Bristol Corporation Act 1961

- (1) *For the purpose of controlling within the port any craft to which this section applies and notwithstanding anything contained in the Bristol Dock Acts, 1848 to 1960, the Corporation may make byelaws with respect to all or any of the following matters:-*
 - (a) *prohibiting the use navigation or mooring of craft to which this section applies within any area or areas defined in the byelaws except with the consent of the harbour master upon such conditions as he may reasonably require;*
 - (b) *specifying as a condition of the grant of any licence the part or parts of the port within which the craft in respect of which the licence is granted may be moored and the part or parts of the port within which such craft may be used or navigated;*
 - (c) *prescribing a minimum age below which the owner of a craft to which this section applies will not be eligible for the grant of a licence in respect of his craft;*
 - (d) *prohibiting the use, navigation or mooring within the port of any craft to which this section applies which is not suitable for use within the port;*
 - (e) *prescribing the maximum period during which a craft to which this section applies may remain in the port without a licence;*
 - (f) *prescribing the conditions upon which the Corporation may impound any craft to which this section applies together with the cargo thereof in respect of which-*
 - (i) *either no application for a licence has been made or an application has been made and refused and which in either case remains in the port after the expiration of any maximum period prescribed by a byelaw made under paragraph (e) of this subsection; or*
 - (ii) *the provisions of section 19 (Name etc. of craft to be painted thereon) of this Act have not been complied with*

and enabling the Corporation to recover any costs or expenses reasonably incurred by them in impounding any craft as aforesaid or otherwise in carrying into effect or enforcing any byelaws made under this section.
- (2) (a) *The provisions of the Harbours Act, 1847, with respect to the byelaws to be made by the undertakers shall apply to all byelaws made under this section but no byelaw made*

under this section shall come into operation until it shall have received the confirmation of the Minister which shall be sufficient for all purposes.

- (b) *In its application to any byelaws made under this section or section 84 (Byelaws may be enforced by imposition of penalties) of the Harbours Act, 1847, shall be read and have effect as if after the words "for each breach of such byelaws" there were inserted the words "and in the case of a continuing offence a fine not exceeding two pounds for each day on which the offence is continued after conviction thereof".*
- (3) *The Court may in addition to any other penalty which may be imposed for an offence against a byelaw made under this section-*
- (a) *in any case in which a licence is in force in respect of the craft to which this section applies belonging to the person committing the offence, revoke the licence;*
- (b) *in any case in which such a licence is not in force, disqualify the owner of the craft from obtaining a licence in respect of the craft for such period as they think fit.*
- (4) *Byelaws made under this section may apply to any class or classes of craft to which this section applies.*
- (5) (a) *For the purpose of enabling the Corporation to recover any costs or expenses which under the provisions of any byelaw made under this section they are entitled to recover and notwithstanding anything in this section or in section 34 (Recovery of fines etc.) of this Act the Corporation shall have the same powers as are conferred on them by section 140 (Damages not otherwise provided for may be determined by them) of the Railways Clauses Consolidation Act, 1845 (as incorporated with this Act by virtue of the incorporation of section 92 (Railways Clauses Consolidation Acts, 1845, as to Damages &c. to be incorporated with this and the Special Act) of the Harbours Act, 1847) with respect to the recovery of damages costs or expenses.*
- (b) *The said section 140 as so incorporated shall have effect as if the word "goods" included any vessel in respect of which rates or dues are payable under this Act.*
- (6) *Nothing in this section or in any byelaw made thereunder shall derogate from or affect the powers conferred on the harbour master by the Bristol Docks Acts, 1948 to 1961, or by any Act incorporated with any of those Acts.*
- (7) *This section applies to any craft (not being a craft which is solely used as a tug or for the carriage of goods or which customarily carries passengers by sea to and from the port for reward).*
- (8) *In this section the word "licence" means a licence required under section 18 (Craft not to be navigated etc. in port unless licensed) of this Act.*
- (9) *Any byelaws made by the Corporation under section 8 (Byelaws for controlling certain craft in the port) of the Bristol Corporation Act, 1951, shall continue in force unless revoked by the Corporation as if made by them under this section.*

Part III	Berthing and mooring
Part VIII	Pleasure craft and recreational activities within the harbour
Part X	Savings, penalties and revocations

43 Power of a statutory harbour authority to make byelaws

- (1) *Subject to the provisions of Schedule 6, a statutory harbour authority may make in respect of the harbour area, byelaws prohibiting the entry or regulating the entry, carriage, handling and storage of dangerous substances.*
- (2) *Byelaws shall not conflict with these Regulations or with any other relevant statutory provision.*
- (3) *Byelaws shall be restricted to matters relating to the harbour area.*
- (4) *Byelaws may contain their own provisions for enforcement.*

Part VI Goods

Part X Savings, penalties and revocations