

## FALMOUTH HARBOUR COMMISSIONERS

### FALMOUTH HARBOUR (GENERAL) BYE-LAWS

The Falmouth Harbour Commissioners, in exercise of the powers conferred by section 83 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with the Falmouth Harbour Act and Orders 1870 to 1985 and article 7 of the Falmouth Harbour Revision Order 1985 and of all other powers them enabling, hereby make the following bye-laws.

#### PART I - PRELIMINARY

##### **Title and commencement**

1. These Bye-laws may be cited as the Falmouth Harbour (Amendment) Bye-laws 1996 and shall come into operation on the expiration of 14 days from the date of confirmation thereof by the Secretary of State for Transport.

##### **Application**

2. These bye-laws shall apply to all parts of the Harbour the limits of jurisdiction of which are set forth in the Schedule hereto and to the harbour premises as defined in bye-law 3 below.

##### **Interpretation**

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

“**banks**” has the meaning given by section 116 of the Land Drainage Act 1976;

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

“**the Commissioners**” means the Falmouth Harbour Commissioners;

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

“**the Harbour**” means the area within the limits of jurisdiction of the bye-laws as applied by bye-law 2 above;

“**the Harbour Master**” means the person appointed by the Commissioners and includes his authorised deputies, assistants and any other person authorised by the Commissioners to act in that capacity;

“**the harbour premises**” means the quays, and all other works, land or buildings for the time being vested in or occupied or administered by the Commissioners so far as all the foregoing are within 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;

**“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:

(a) goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto;

(b) a vessel includes any part owner, broker, charterer, agent, or mortgagee in possession of the vessel or other person entitled for the time being to possession of the vessel;

(c) a vehicle includes any part owner, lessee or agent or person having charge of the vehicle for the time being;

**“quay”** means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

**“small vessel”** means any vessel of less than 20 metres in length;

**“vehicle”** includes any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes any hovercraft or any amphibious vehicle;

**“vessel”** includes any ship, boat, raft, watercraft and all non-displacement craft and seaplanes used or capable of being used as a means of transportation on water and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or other amphibious vehicle.

**“Intoxicating liquor”** means spirits, wine, beer, cider and any other fermented, distilled or spirituous liquor with an alcohol content exceeding 0.5 per cent by volume

**“Licensed premises”, “registered club”** and **“occasional licence”** have the same meanings as in the Licensing Act 1964.

**“Occasional permission”** has the same meaning as the Licensing (Occasional Permissions) Act 1983.

## **PART II - NAVIGATION**

### **Vessel movements**

4. The master of a seagoing vessel shall give prior notice to the Harbour Master of the vessel's arrival at, departure from or movement within, the Harbour.

### **Declaration of particulars of vessel**

5. The master of a vessel arriving at or passing through the Harbour shall if required by the Harbour Master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnages and draughts of the vessel, its last port of call, ownership and destination and particulars of its cargo.

### **Vessels to navigate with care**

6. The master shall navigate his vessel with such care and caution and at such speed and in such manner as not to:-

- (a) endanger lives or cause injury to persons;
- (b) interfere with the navigation, manoeuvring, loading or discharging of vessels;
- (c) cause damage to, or interference with banks, moorings or other property.

### **Speed of vessels**

7. (1) Except with the permission of the Harbour Master, and subject to bye-law 6 above and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 8 knots through the water in the specified part of the Harbour.
- (2) In this bye-law "the specified part of the Harbour" means so much of the Harbour as lies west of an imaginary straight line drawn from the light on the Northern Arm of Falmouth Docks Basin to Trefusis Point, which line is shown by a broken black line on the annexed map.

### **Small vessels not to obstruct fairway**

8. The master of a small vessel which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

### **Vessels not to be made fast to navigation buoys or marks**

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

### **Notification of collisions etc.**

10. The master of a vessel which -

(a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the Harbour; or has towed a vessel which has sunk grounded or become stranded in the harbour; or

(b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or

(c) has collided with or has cut adrift a navigation mark, buoy or mooring buoy; or

(d) in any manner gives rise to an obstruction to a fairway; shall forthwith report the occurrence to the Harbour Master and as soon as practicable thereafter provide the Harbour Master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

### **Vessels adrift**

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

### **Conduct of regattas, etc.**

12. (1) The organiser of any regatta, championship race or any other occasion when a number of small vessels is expected to assemble on the waters of the harbour, shall give not less than fourteen clear day's notice thereof in writing to the Harbour Master.

(2) All regattas and championship races or similar events shall be conducted on courses and at times previously approved by the Harbour Master.

(3) Any alteration or cancellation required by the Harbour Master shall, if practicable, be notified to the organiser at least seven clear days before the proposed date of the event.

### **Small vessels to avoid regattas, etc.**

13. The master of a small vessel on the occasion of any boat race, regatta, championship race, public procession or any other occasion when a number of small vessels are assembled therein shall not permit his small vessel to pass therein so as to

obstruct, impede or interfere with the boat race, regatta, championship race or procession, or endanger the safety of persons assembling in the harbour, or prevent the maintenance of order therein, and the master of a small vessel shall observe the directions of the Harbour Master or other persons authorised by the Commissioners to superintend the execution of this bye-law.

#### **Navigation in mooring areas**

14. (1) The master of a vessel shall not navigate in the moorings areas except to such extent as may be necessary to navigate to or from a mooring or a landing place inside such areas.  
  
(2) The master of any vessel shall navigate it with care and caution and at slow speed in and near such areas.

### **PART III BERTHING AND MOORING**

#### **Provision for proper fenders**

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

#### **Vessels to be properly berthed**

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

#### **Sufficiency of crew**

17. Except with the permission of the Harbour Master, the master of a vessel shall at all times ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available to -

- (a) attend to his vessel's moorings;
- (b) comply with any directions given by the Harbour Master for the unmooring, mooring and moving of his vessel;
- (c) deal, so far as reasonably practicable, with any emergency that may arise.

#### **Vessels to be kept in a moveable condition**

18. (1) The master of a vessel (other than a small vessel) shall not, except where is vessel is lying aground, take any steps to render his vessel incapable of

movement without first notifying the Harbour Master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

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

### **Use of engines while vessel moored or berthed**

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

### **Vessels not to make fast to unauthorised objects**

20. No person shall make a vessel fast to any post, ring, fender or any other thing or to any quay or other place not assigned for that purpose by the Harbour Master as suitable for making fast the vessel concerned.

### **Access across decks**

21. The master of a vessel alongside a quay or alongside any vessel already berthed shall, if required to do so by the Harbour Master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

### **Lost anchor, cable, propeller or rudder**

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

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

(3) If the master of a vessel does not comply with a direction made under paragraph (1) above the Harbour Master may cause the anchor, chain, cable, propeller or rudder to be recovered.

(4) Where the Harbour Master has caused an anchor, chain, cable, propeller or rudder to be recovered under paragraph (3) above he may cause any such anchor, chain, cable, propeller or rudder to be sold in such manner as he thinks fit and may out of the proceeds of sale retain the reasonable expenses incurred by him in the exercise of his powers under paragraph (3) above and shall pay the surplus, if any, to the owner of the vessel.

(5) If the proceeds of sale under paragraph (4) above are insufficient to pay the Harbour Master's reasonable expenses he may recover any such expenses which are not reimbursed out of the proceeds of sale or, if there is no sale, the whole of those expenses from the owner of the vessel.

#### **Public landing places not to be obstructed**

23. The master of a vessel shall not place his vessel or allow it to be in such a situation as to obstruct or interfere with the access to any recognised landing place or leave it moored alongside any such landing place unattended without the permission of the owner or person in charge thereof.

#### **Vessels to moor and berth securely**

24. The master of a vessel berthed or moored within the Harbour and not lying to its own anchors shall securely make his vessel fast as close as is safe and practicable to some buoy or quay.

#### **Vessel not to anchor or remain in swinging grounds**

25. The master of a vessel shall not, without the permission of the Harbour Master cause it to be placed or remain in such a position as to obstruct or interfere with the turning of vessels in any areas set aside as swinging grounds.

#### **Unmooring of vessels**

26. No person except the Harbour Master acting in pursuance of his duties shall for any purpose whatsoever unmoor or cast off or loose any mooring of any vessel moored within the Harbour without the previous permission of the owner or lawful master of such vessel and no person shall for any purpose whatsoever cast adrift any vessel without the previous consent of both the owner or lawful master of such vessel and the Harbour Master:

Provided that it shall be a defence to proceedings under this bye-law for any person to show that he acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner or lawful master of the vessel would in the circumstances have given his consent if he had been asked therefor.

#### **Vessels to anchor clear of moorings**

27. The master of a vessel shall not anchor that vessel so close to any buoy or mooring as to foul in any wind such buoy or mooring or any vessel lying thereto.

#### **Interfering with buoys, etc. forbidden**

28. A person shall not -

- (1) interfere with any beacon, buoy, light, mooring, seamark or tide board;
- (2) make fast a vessel to any beacon, buoy, light, seamark or tide board.

#### **Extra vessels at moorings**

29. A person shall not secure a vessel to a mooring or to a moored vessel so as to cause danger or damage to any vessel or mooring.

#### **Fouling of moorings**

30. If at any time the anchor of a vessel fouls any moorings or cable the master of the vessel shall forthwith give notice thereof, to the Harbour Master and shall if it is safe and practicable to do so await his instructions before proceeding to clear the same.

### **PART IV - GOODS AND ROAD TRAFFIC**

#### **Requirement as to handling and movement of goods in the Harbour**

31. (1) The owner of any goods loaded or discharged at the Harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the Harbour Master otherwise agrees.  
  
(2) The owner of any goods shall comply with such directions as the Harbour Master may give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.

#### **Precaution against goods etc. falling into Harbour waters or the Commissioners' premises**

32. The master of a vessel and a person undertaking the leading of cargo into, or the discharging of cargo from a vessel shall use or cause to be used such methods as the Harbour Master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the Harbour or on to the premises of the Commissioners.

#### **Obstruction or interference at harbour premises**

33. No person shall -
  - (a) except with the permission of the Harbour Master, deposit or place on any part of the harbour premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto;
  - (b) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

#### **Safe driving of vehicles**

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

#### **Speed limit for vehicles**

35. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 5 miles per hour.

#### **Supervision of vehicles**

36. A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Harbour Master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Harbour Master -

- (a) leave the vehicle unattended anywhere within the harbour premises except when lawfully left at a car park; or
- (b) take it into any shed or working area.

#### **Loads not to leak, spill or drop**

37. The owner of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

#### **Loads to be secured**

38. The owner of a vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

#### **Refuelling etc., of vehicles**

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

#### **Driving on weighbridges**

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

#### **Accidents to be reported**

41. Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and report the matter to the Harbour

Master as soon as is reasonable practicable thereafter and shall give his name and address to the Harbour Master.

#### **Unauthorised parking of vehicles**

42. (1) Any person leaving a vehicle in a parking place on harbour premises shall display on that vehicle a ticket issued by the Commissioners authorising the parking of that vehicle during such time as may be specified on that ticket.
- (2) A person shall not leave a vehicle in a parking place on the harbour premises for longer than the time specified on the ticket issued in respect of that vehicle.

### **PART V - GENERAL**

#### **Inspection facilities etc. to be made available to Harbour Master**

43. The master of a vessel shall so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

#### **Navigation under influence of drink or drugs prohibited**

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

#### **Vessels to have names marked on them**

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

#### **Abandonment of vessels prohibited**

46. (1) No person shall abandon a vessel on the banks or shore of the Harbour.
- (2) For the purposes of paragraph (1) above, a person who leaves a vessel on the banks or shore of the harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

#### **Silencers**

47. A person shall not use a vessel propelled by an internal combustion engine unless the engine is fitted with a silencer suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine.

#### **Vessels not to be broken up**

48. Subject to the provisions of section 23 of the Falmouth Harbour Act, 1958 and the requirements of Part IX of the Merchant Shipping Act, 1894, no owner, master or other person shall break up or attempt to break up or cause to be broken up any vessel or wreck of a vessel in any part of the Harbour, without the written permission of the Harbour Master, first being obtained.

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

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

**Laying down moorings, buoys and other tackle**

50. (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or prior written consent of the Harbour Master nor except in accordance with such conditions as the Commissioners may impose.
- (2) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the Harbour Master so directs.
- (3) If a person fails to comply with a direction made under paragraph (2) above the Harbour Master may cause the mooring, buoy or similar tackle to be removed and he may recover the expense of so doing from that person.

**No dragging or grappling without permission**

51. No person shall drag or grapple for any material or article nor remove the same from the bed of any water area of the Harbour without the written consent of the Harbour Master.

**Water skiing, aquaplaning, etc.**

52. (1) No person shall engage or take part in water skiing or aquaplaning except with the written permission of the Harbour Master given either specifically or generally and only in such areas as may be designated by the Commissioners and in accordance with such conditions as may be imposed.
- (2) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier and shall carry -
- (a) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Ship and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher;

(b) for each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device.

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

### **Dumping in Harbour waters prohibited**

53. (1) No person shall deposit or throw into the waters of the Harbour any rubbish or other material whatsoever or place it in such a position that it is likely to fall, blow or drift into the harbour.

(2) No person shall, except with the consent of the Harbour Master, pour, pump or knowingly allow to escape into in the harbour any dangerous or offensive matter unless such action is necessary for the purpose of securing the safety of a vessel or of saving life and it is not reasonably practical to obtain such consent.

(3) The master of a vessel or any person in charge of premises from which any dangerous or offensive matter has been poured, pumped or allowed to escape into the Harbour or responsible for the commission of the acts referred to in paragraphs (1) and (2) above shall inform the Harbour Master of the occurrence at the earliest possible moment.

(4) The provisions of this bye-law shall not apply to the discharge or escape into the harbour of dangerous or offensive matter being a discharge or escape which is expressly authorised by any enactment.

### **Throwing stones, etc.**

54. No person shall throw stones or other missiles or discharge any catapult in or over the harbour or on the harbour premises.

### **Digging ballast, etc.**

55. Subject and without prejudice to the estate of Her Majesty in right of Her Duchy of Cornwall of His Royal Highness the Duke of Cornwall for the time being or other owners or owners of the soil of the harbour, no person shall without written permission of the harbour Master first obtained dig or take from any part of the harbour or from any land belonging to the Harbour any ballast, soil, sand or other material whatsoever.

### **Use of firearms and explosives**

56. (1) Except with the permission of the Harbour Master no person shall have or fire any loaded gun or other fire-arm or use any firework or other explosive in or over the harbour or on the harbour premises.
- (2) This byelaw shall not preclude the proper use of any lawful distress signal or race starting gun loaded with blank cartridges.

#### **Assistance to fire and other services**

57. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

#### **Fire precautions**

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

#### **Smoking within the Harbour**

59. No person shall smoke within the Harbour if requested not to do so on grounds of safety by a servant of the Commissioners who is in uniform or who produces a duly authenticated document showing his authority to make the request.

#### **Radio-active and fissile material**

60. No person shall knowingly bring any radio-active material (including fissile material) into the Harbour unless -

- (a) he has first obtained the written permission of the harbour Master and complies with any conditions set down in that permission; or
- (b) the material is material which would be deemed exempt under regulations as respects the transport of radio-active substances made under the Radioactive Substances Act 1948.

#### **Intoxicated or disorderly persons**

61. (1) No person shall on any premises the property of or under the control of the Commissioners be in a state of intoxication or behave in such a manner as to give reasonable cause for annoyance to other persons using the premises.
- (2) Any person so offending or continuing to commit any breach of these bye-laws after receiving notice from any officer of the Commissioners or any servant of the Commissioners wearing a distinctive dress or badge may be forthwith removed from the premises of the Commissioners without excusing any liability to penalties incurred.

### **Property of the Commissioners**

62. A person shall not intentionally interfere with any plant, machinery, equipment or apparatus on the premises of the Commissioners.

### **Unauthorised trading prohibited**

63. No person shall engage by way of trade, in buying or selling any goods or property in the harbour premises without the written consent of the Commissioners.

63A. Any person who consumes Intoxicating liquor on the harbour premises upon being warned by a Constable not to do shall be guilty of an offence PROVIDED nevertheless that this bye-law shall not apply to:-

(a) any area which is within the curtilage of any Licensed premises or registered club; or

(b) any place at which the sale of Intoxicating liquor is, or has within the previous 20 minutes been, authorised by virtue of an occasional licence or an Occasional permission”.

63B. Notice of the effect of bye-law 63A shall be given by signs placed in such positions as the Harbour Commissioners may consider adequate to inform persons using the Pier.

### **Obstruction of officers of the Commissioners**

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

### **Penalties**

65. (1) Any person who contravenes or otherwise fails to comply with any of these bye-laws or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these bye-laws shall be guilty of an offence and be liable on summary conviction to a fine -

(a) In respect of an offence under bye-laws 42, 45, 54 and 63A above not exceeding level 2 on the standard scale.

(b) in respect of an offence under any other bye-law not exceeding level 3 on the standard scale.

(2) In any proceedings for an offence under the bye-laws it shall be a defence for the person charged to prove -

(a) that he had a reasonable excuse for his act or failure to act; or

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3) If in any case the defence provided by paragraph (2) above involves the allegation that the commission of the offence was due to act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor written notice giving such information identifying or assisting in the identification of that person as was then in his possession.

### **Revocation**

66. The Falmouth Harbour (General) Bye-laws 1966 are hereby revoked.

Given under the Common Seal of the FALMOUTH HARBOUR COMMISSIONERS this 3rd day of November 1986.

Seal	D P C MARTIN	Chairman
	D G BANKS	Chief Executive

The Secretary of State hereby confirms the foregoing Bye-laws.

Signed by Authority of The Secretary of State this 24th day of December 1986.

Seal	J R ELLIS
	An Assistant Secretary of the Department of Transport

### **SCHEDULE LIMITS OF JURISDICTION**

The limits of jurisdiction within which these Bye-laws apply comprise Falmouth Harbour being the area defined in section 4 of the Falmouth Harbour Act 1958 as the harbour, the limits whereof are shown within the black line delineated on the signed map referred to in that section and include the added limits as defined in the Falmouth Harbour Revision Order 1985 all of which limits are shown on the annexed map.

The following provisions do not form part of the bye-laws -

**THE HARBOURS, DOCKS AND PIERS  
CLAUSES ACT, 1847  
(10 Vic., c.27)**

By the above Act it is enacted, inter alia, that:-

**Under Section 52:** The Harbour Master may give directions for all or any of the following purposes: (that is to say):

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock or pier and within the prescribed limits, if any, and its position, mooring or unmooring, placing, and removing, whilst therein:

For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier:

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well as for the safety of such vessel as for preventing injury to other vessels and to the harbour, dock, or pier, and the moorings thereof:

For removing unserviceable vessels, and other obstructions from the harbour, dock, or pier, and keeping the same clear:

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same:

Provided always, that nothing in this or the special Act contained shall authorise the Harbour Master to do or cause to be done any Act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Commissioners of Her Majesty's Customs.

**Under Section 53:** The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the Harbour Master, made in conformity with this and the special Act; and any master of a vessel, who, after notice of any such direction by the Harbour Master served upon him, shall not forthwith regulate such vessel according to such direction, shall be liable to a penalty not exceeding Level 2 on the standard scale.

**Under Section 58:** If the master or any vessel in or at the harbour, dock, or pier, or within the prescribed limits, if any, shall not moor, unmoor, place, or remove the same according to the directions of the Harbour Master, or if there be no person on board of any such vessel to attend to such directions the Harbour Master may cause such vessel to be moored, unmoored, placed or removed as he shall think fit, within or at the harbour, dock, or pier, or within the prescribed limits, and for that purpose the Harbour Master may cast off, unloose or cut the rope, or unshackle or break the chain

by which any such vessel is moored or fastened; and all expenses attending the mooring, unmooring, placing, or removing of such vessel shall be paid to the Harbour Commissioners by the master of such vessel; provided always, that before the Harbour Master shall unloose or cut any rope or unshackle or break any chain by which any vessel, without any person on board to protect the same, shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

**Under Section 62:** Every person other than the Harbour Master who shall wilfully cut, break or destroy the mooring or fastening of any vessel lying in the harbour or dock or at or near the pier shall for every such offence be liable to a penalty not exceeding Level 1 on the standard scale.

**Under Section 63:** No vessel, except with the permission of the Harbour Master, shall lie or be moored in the entrance of the harbour or dock, or within the prescribed limits, and if the master of any vessel either place it or suffer it to remain in the entrance of the harbour or dock, or within the prescribed limits, without such permission, and do not, on being required so to do by the Harbour Master, forthwith proceed to remove such vessel, he shall be liable to a penalty not exceeding Level 1 on the standard scale, and a further sum of one pound for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition.

**Note:** At the time of making these bye-laws level 1 on the standard scale is £50 and level 2 is £100.

### **THE CRIMINAL DAMAGE ACT 1971** (1971 c.48)

In addition to any liability under these Bye-laws, it is enacted under Section 1 of the above Act that it is an offence for any person without lawful excuse to destroy or damage any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.