

MEIRIONNYDD DISTRICT COUNCIL

BYELAWS RELATING TO THE HARBOURS OF ABERDYFI AND BARMOUTH

The District Council of Meirionnydd in exercise of the powers conferred on them, in relation to the harbour at Aberdyfi by Article 28 of the Aberdovey Harbour Empowerment Order 1972 and of all other powers enabling them in that behalf and, in relation to the harbour at Barmouth by section 83 of the Harbours, Docks and Piers Clauses Act 1847 as applied by sections 37 and 40 of the Barmouth Urban District Council Act 1929 and of all other powers enabling them in that behalf, hereby make the following byelaws to be observed in and for the regulation, management and control of the harbours at Aberdyfi and Barmouth:-

Citation and Commencement

1. **These Bylaws may be cited as the Aberdyfi and Barmouth Harbour Byelaws, 1985 and shall come into operation on the expiration of one month from the date of their confirmation by the Secretary of State.**

Revocation

2. **All previous byelaws made for the regulation of the harbours of Aberdyfi and Barmouth are hereby revoked.**

Interpretation

3. **In these byelaws, unless the context otherwise requires:-**
‘The Collision Regulations’ means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979.
‘the Council’ means the District Council of Meirionnydd acting in relation to the harbour.
‘the Harbour’ means either the harbour of Aberdyfi as defined in Article 2 of the Aberdyfi Harbour Empowerment Order 1972 and shown on the plan deposited pursuant thereto or in the case of Barmouth the harbour as defined in section 45 of the Barmouth Urban District Council Act 1929 and shown on the plan deposited pursuant thereto and in relation to both the said harbours, the lands, buildings, works, plant, property and conveniences connected therewith, and any part thereof.

‘the harbour master’ means the harbour master appointed by the Council and any other persons appointed by the Council under the provisions of the Aberdyfi Harbour Empowerment Order 1972 or the Act passed in 1797 specified in Section 36(2) of the Barmouth Urban District Council Act 1929 for securing the observance of these byelaws and his or their duly authorised assistants.

‘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 shall include the ground, water, or other surface beneath the vehicle.

‘motor vehicle’ means any wheeled or track laying vehicle propelled by steam or by mechanical or electrical or chemical means and includes hovercraft when on land, motor bicycles and tricycles.

‘power driven vessel’ means any vessel propelled by machinery.

‘speedboat’ means any boat or other small craft propelled by mechanical power either directly or indirectly and fitted onboard or outboard, designed to attain a potential speed of 15 knots in still water.

‘under way’ means when a vessel is not at anchor or moored or made fast to the shore or ground but includes a vessel dropping up or down the harbour with her anchor on the ground.

‘vehicle’ means any wheeled vehicle howsoever propelled or drawn and shall include bicycle or tricycle

‘vessel’ shall include any vessel, ship, lighter, keel barge, boat, raft, pontoon and craft of any kind howsoever navigated, propelled or moved, and any seaplane manovering on the surface of the water and any hovercraft on or

over the water. Seaplanes taking off from or alighting on the water shall be deemed to be on the surface of the water whilst in contact therewith.

Byelaws relating to the mooring of vessels

4. No person shall lay or cause to be laid within the harbour moorings for any vessel without the written permission of the harbour master and in accordance with the terms of that permission.
5. The owner of mooring equipment shall inspect his mooring equipment annually in order to ensure that it is in good working order, and he shall produce to the Council a certificate to this effect when applying for re-allocation of mooring.
6. The master of a vessel shall cause the same to be moored or berthed securely and in such a manner and in such part of the harbour as the harbour master may from time to time direct.
7. Unless authorised to do so in writing or ordered to do so by the harbour master, the master of a vessel shall not make fast the same to any other vessel or mooring.

Byelaws relating to navigation

8. The master of a vessel shall navigate or cause the same to be navigated with due care and caution in such a manner as not to be a danger to nor give reasonable cause for annoyance to the occupants of any other vessel, or cause damage to any other vessel, mooring or other property in or about the harbour.
9. Except in an emergency no vessel over 3.5metres in length shall be allowed by the master to drift in any part of the harbour.

- 10. The master of any vessel which has sunk in the harbour shall forthwith give notice thereof to the harbour master and of the position of such vessel.**
- 11. No master of a vessel shall knowingly use, cause, or permit it to be used for drift trawl or other net fishing, or for the casting of fishing lines in any part of the harbour so as to be or likely to become an obstruction or danger to the navigation of the harbour to vessels therein and the occupants thereof, and to any other person or persons within the limits of the harbour.**
- 12. The master of a seaplane or hovercraft shall not knowingly cause or permit his seaplane or hovercraft to enter the harbour except with the permission of the harbour master and in accordance with the terms of that permission.**
- 13. No master shall knowingly cause or permit his vessel to exceed a speed of five knots over the ground between the shore and the speed marker buoys. This byelaw shall not apply to any vessel on any occasion when it is being used for police, fire fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it was being used on that occasion.**
- 14. No person shall knowingly cause a race, regatta or public procession to take place in the harbour without the written permission of the harbour master and in accordance with the terms of that permission.**
- 15. The master of a power driven vessel shall ensure that it gives way to vessels under sail and to rowing boats, and speed boats shall keep clear of**

rowing boats. The Collision Regulations shall apply except insofar as these Byelaws otherwise provide.

Byelaws relating to the hauling out and launching of vessels

16. No person shall haul out or launch a vessel within the limits of the harbour except with the permission of and in accordance with such directions as the harbourmaster may give.
17. No owner shall knowingly cause or permit his vessel to be laid up on land within the harbour except with the written consent of the harbour master having been previously obtained.

Byelaws relating to motor vehicles in the harbour at Aberdyfi

18. No person shall drive a motor vehicle at a speed exceeding ten miles per hour within the limits of the harbour.
19. No person shall except with the written consent of the Council having been previously obtained and in accordance with the terms of that consent bring a caravan or trailer within the limits of the harbour except trailers or vehicles used for carrying vessels or equipment for such vessels.
20. No persons shall knowingly cause a vehicle to enter or remain within the limits of the harbour except with the permission of the Council and in accordance with the terms of that permission.
21. All persons in charge of any vehicle brought within the limits of the harbour shall obey all duly authorised directions given by the harbour

master and conform to all signs, directions and notices erected or displayed relating to the parking and movement of vehicular traffic and shall pay such charges as may be levied by the Council.

22. No person shall drive any motor vehicle in any place within the limits of the harbour in such a manner that if the vehicle not being a hovercraft was being driven on a road or other public place within the meaning of the Road Traffic Act 1972 such person would be guilty of an offence under Section 2, Section 3, or Section 5 or Section 6 of the said Act.

Byelaws relating to powers of harbour master

23. No person shall except when a vessel is being made fast, loaded or unloaded deposit or leave any vehicle, trailer, article, gear, apparatus or equipment on the harbour without having previously obtained the harbour master's permission.
24. The harbour master may by notice prominently displayed in the harbour area, designate any part of the harbour for use by a particular class of vessel and any master or owner of any vessel who navigates, moor or makes fast any vessel of a particular class in any area designated for use by any other particular class shall be guilty of an offence.
25. The harbour master may by notice to be displayed in the harbour area restrict the hours except in an emergency during which the harbour master or owner of any vessel may make fast or moor his or her vessel in any part of the harbour and any master or owner who makes fast or moors his vessel outside such hours shall be guilty of an offence.

Byelaws of general application

- 26. No person shall intentionally obstruct, impede, molest or interrupt the harbour master or other officer, servant, workman or agent of the Council in the performance of his duties within the harbour.**
- 27. No person shall without consent of the harbour master attempt to ride or ride a bicycle or tricycle or use a skateboard within the harbour limits.**
- 28. No person shall discharge into the harbour any refuse, material or noxious liquid of any kind whatsoever, which may cause pollution, provided always that nothing in this byelaw shall apply to the discharge or deposit of any substance the discharge of deposit of which is subject to the provisions of the Prevention of Oil Pollution Act 1971.**
- 29. No person shall, when within the limits of the harbour, play any musical or noisy instrument or sing or operate or knowingly cause or permit to be operated any wireless, loud-speaker, gramophone or similar instrument or make any noise in a manner likely to give reasonable cause for annoyance to any other person in the vicinity.**
- 30. Unless authorised in writing by the Council no person shall within the limits of the harbour carry on any trade or business nor sell or offer for sale any food or drink or wares, goods and merchandise of any description.**
- 31. No person shall play any offensive or dangerous game or any other activity in such a manner as to obstruct traffic or cause danger or injury to any person within the limits of the harbour.**
- 32. The master of a power driven vessel whilst the same is in the harbour shall cause such vessel to carry in readily accessible positions therein an adequate number of fire extinguishers of a type suitable for quenching**

petrol or oil fires, including at least one CO² Halon or Foam type fire extinguisher.

33. The harbour master may require the master of any vessel within the harbour to produce to him within five days evidence of insurance with a person or body of persons authorised under Section 3 or 4 of the Insurance Companies Act 1982 or under the laws of another member State of the European Community to carry on insurance business of the relevant class, or with members of Lloyd's, against damage to third parties arising out of or in connection with the use of the vessel in the harbour.

Precaution against goods etc falling into harbour waters of the Council's premises.

34. The master of a vessel and a person undertaking the loading of cargo into, or the discharging of cargo from a vessel, shall use or cause to be used such methods as the harbour master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Council.

Dumping in harbour water prohibited

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

Offences

36. (1) Any person who shall act in contravention of or fail to comply with any of the provisions of the byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) Where the commission by any person of an offence under these byelaws is due to the act or default of some other person, that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against any other person.

(3) In any proceedings for an offence under these byelaws it shall be a defence for the person charged to prove:

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

(b) that he had reasonable excuse for his act or failure to act.

(4) If in any case the defence provided by paragraph (3)(a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person shall not, without leave of court, be entitled to rely on that defence unless, within a

period ending seven clear day before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

Saving for Crown

37. Nothing contained in the foregoing byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore and seabed below mean high water of any estate or interest in or right over such foreshore and seabed, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the right and interests of the Crown in such foreshore and seabed, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the same.

Saving for Welsh Water Authority

38. Nothing in these Byelaws shall restrict prevent or interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by the Welsh Water Authority.

**Given under the Common Seal of the District Council of Meirionnydd the
thirteenth day of April One Thousand Nine Hundred and Eighty Five**

THE COMMON SEAL OF MEIRIONNYDD

DISTRICT COUNCIL was hereunto

Affixed in the presence of:

Sgd. Iestyn Thomas

Chairman

Sgd. D E F Williams

Chief Legal Officer

Signed and Sealed on behalf of the

SECRETARY OF STATE FOR WALES on the

Fourteenth Day of November 1986

Sgd. H R Bollington

Assistant Secretary

Welsh Office

