

CYNGOR GWYNEDD COUNCIL

BYELAWS RELATING TO THE HARBOUR AT PORTHMADOG

The Gwynedd Council in exercise of the powers conferred on them, in relation to the Harbour at Porthmadog by Section 83 of the Harbours Docks and Piers Clauses Act 1847 as applied by the Porthmadog Harbour Revision Order 1998 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 Harbour at Porthmadog:-

Citation and Commencement

1. These Byelaws may be cited as the Porthmadog Harbour Byelaws 2009, 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 Harbour at Porthmadog 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 85 and Section 86 of the Merchant Shipping Act 1995

“The Council” means Gwynedd Council.

“The Harbour” means the Harbour as defined in the Interpretation Section of the Porthmadog Harbour Revision Order 1998 i.e. it means the area the limits of which are delineated in red on the attached and deposited plan.

“The Harbourmaster” means the Harbourmaster appointed by the Council and any other persons appointed by the Council for securing the observance of these bye laws and his, or their duly authorised assistants.

“His” shall be interpreted as applying to both male and female ‘masters’ of vessels.

“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 surfaces 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.

“Vessel or Personal Watercraft” means any vessel or watercraft propelled by sail, propellor, jet engine or other means of propulsion and steered either:-

- (a) by tiller or wheel
- (b) by means of a handlebar-operated linkage system (with or without a rudder at the stern);
- (c) by the person or persons riding the craft using his or their body weight for the purpose; or
- (d) by a combination of the methods referred to in (a) and (b) above

“Master” means person having control of the vessel or Personal Watercraft whether under the auspices of the Merchant Shipping Act or otherwise.

“Small Vessels” means any vessel less than 24 metres length overall as defined in the Merchant Shipping (Tonnage) Regulations 1997.

PART 1

Byelaws relating to the mooring of vessels

Laying down moorings

1. No person shall lay, or cause to be laid within the Harbour, moorings for any vessel except with the written permission of the Harbourmaster, and in accordance with the terms of that permission.

Vessels to be moored etc. as directed

2. 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 Harbourmaster may from time to time direct.

Vessels not to make fast to unauthorised objects

3. Unless authorised to do so in writing, or ordered to do so by the Harbourmaster, the master of the vessel shall not make fast the same to any other vessel or mooring.

Inspection of mooring equipment

4. The owner of mooring equipment shall ensure that the mooring equipment is inspected annually by a Council Nominated Inspector in order to ensure that it is

in good working order, and inspector shall produce to the owner a certificate to this effect when next applying for re-allocating of mooring.

Access across decks

- 5 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 Harbourmaster, give free access across the deck of his vessel for persons to and from vessels berthed alongside his vessel.

Provision for proper fenders

- 6 The master and owner of the vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of 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 the quay, those other vessels or other property.

Sufficiency of crew

- 7 Except with the permission of Harbourmaster, the master of a vessel shall at all times when his vessel is within the Harbour, ensure that his vessel is capable of being safely moved and navigated.

Use of engines while vessels moored or berthed

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

Lost anchor cable or propeller

- 9 (1) The master of a vessel which has slipped or parted from, or lost, any anchor, chain, cable, propeller or rudder shall soon as reasonable practicable, give to the Harbourmaster notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbourmaster 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 as soon as reasonably practicable.

Vessels to be kept in a movable condition - deleted following RYA

PART 2

Byelaws relating to navigation

Vessel movements

- 11 The master of a vessel other than a small vessel shall, if so requested by the Harbourmaster, give notice to the Harbourmaster of the vessel's arrival, departure, or other movements within the Harbour.

Vessels to navigate with care

- 12 The master of a vessel shall navigate, or shall cause the same to be navigated, with due care and caution in such a manner as not to be a danger to or cause a nuisance or annoyance to the occupant of any other vessel, or damage to any other vessel, moorings or other property in or about the Harbour.
- 13 Except in an emergency, the master of a vessel shall not allow the vessel to drift in any part of the Harbour.
- 14 The master of any vessel which has sunk in the Harbour shall forthwith give notice thereof to the Harbourmaster and of the position of such vessel.
- 15 No master of a vessel shall use or allow, permit or suffer the vessel 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 lawfully within the Harbour.
- 16 The master of a seaplane or hovercraft shall not cause or permit his seaplane or hovercraft to enter the Harbour except with the permission of the Harbourmaster and in accordance with the terms of that permission.

Speed of vessels

- 17 No master of a power driven vessel shall cause or permit his vessel to exceed a speed of 6 knots in any part of the harbour limits.

Conduct of regattas etc.

- 18 On the occasion of any duly authorised race, regatta or public procession, the masters of vessels within the Harbour shall cause them to be navigated so as not to obstruct, impede or interfere with such race, regatta or procession or to

endanger the safety of any persons assembled thereat and shall obey all directions given by the Harbourmaster or any other person from time to time authorised by the Council to superintend the execution of this byelaw.

- 19 The master of a power driven vessel shall ensure that she gives way to vessels under sail, and to rowing boats.

Vessels not to be made fast to navigation buoys or marks

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

Notification of collisions, etc

- 21 The master of any vessel which:-

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded, or become stranded in a 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) in any manner gives rise to an obstruction to a fairway;

shall as soon as reasonable practicable report the occurrence to the Harbourmaster (and as soon as practicable thereafter, provide the Harbourmaster with full details in writing), and, if the vessel has been damaged to such extent as affects or is likely to affect its seaworthiness, the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, unless he has the permission of, and acts in accordance with the directions of the Harbourmaster

Vessels adrift

- 22 The master of a vessel which parts from its moorings shall, as soon as possible, report the same to the Harbourmaster.

PART 3

Bylaws relating to the hauling out and launching of vessels

- 23 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 instructions as the Harbourmaster may give.

- 24 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 Harbourmaster having been previously obtained.

PART 4

Byelaws relating to motor vehicles in the Harbour

- 25 No person shall drive a motor vehicle at a speed exceeding ten miles per hour within the limits of the harbour.
- 26 No person shall except with the written consent of the Harbourmaster 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 for carrying vessels or equipment for such vessels.
- 27 No person shall knowingly cause a vehicle to enter or remain within the limits of the Harbour except with the permission of the Harbourmaster and in accordance with the Terms of that permission.
- 28 All persons in charge of any vehicle brought within the limits of the Harbour shall obey all duly authorised directions given by the Harbourmaster 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 Harbourmaster.
- 29 No person shall drive a motor vehicle in any place within the limits of the Harbour in such a manner that if the vehicle not being a hovercraft was 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, Section 5 or Section 6 of the said Act.
- 30 No person shall, except when a vessel is made fast, load or unload, deposit or leave any vehicle, trailer, article, gear, apparatus or equipment on the Harbour without having previously obtained the permission of the Harbourmaster.

PART 5

Byelaws relating to the powers of the Harbourmaster

- 31 The Harbourmaster may by notice prominently displayed in the Harbour area, set apart or designate any land or works within the harbour owned or managed by the Council for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or class of vessels or goods and no person or vessel shall,

otherwise than in accordance with the setting apart or designation, make use of any lands or works so set apart or designated without the consent of the Harbourmaster. Nothing in this Bylaw shall authorise the prohibition of navigation within any part of the harbour, nor shall it authorise interference with the public right of way across public slipways and public quays.

Bylaw 32 deleted

PART 6

Byelaws of general application

- 33 No person shall deposit or leave any gear on the harbour without having previously obtained the Harbourmaster's permission.
- 34 No person shall intentionally obstruct, impede, molest or interrupt the Harbourmaster or other officer, servant, workman or agent of the Council in the performance of his duties in the Harbour.
- 35 No person shall without the consent of the Harbourmaster, attempt to ride or ride a bicycle or tricycle or use a skateboard or rollerblades within the Harbour limits.
- 36 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 or deposit of which is subject to the provisions of the Oil Pollution Act 1971.
- 37 No person shall, within the limits of the Harbour, play any musical or noisy instrument or sing or operate, or knowingly cause 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 without the written permission of the Harbourmaster.
- 38 Unless authorised in writing by the Harbourmaster, no person shall within the limits of the Harbour carry on any trade or business, nor sell, or offer for sale, any food, drink or wares, goods and merchandise of any description.
- 39 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.
- 40 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, or other fires that may be caused by combustible materials.
- 41 Bylaw 41 deleted. There is no legal obligation for a vessel to be insured.

42 (1) No person shall engage or take part in water ski-ing or aquaplaning except in such areas of the Harbour as the Council may designate and in accordance with such reasonable condition as may be imposed.

(2) No person shall engage in kitesurfing, para-kiting or parachute towing in the harbour without the prior written consent of the Harbourmaster, given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Harbourmaster.

43 Bylaw 3 deleted.

Precaution against goods etc falling into Harbour waters or the Council's premises

44 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 Harbourmaster 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 waters prohibited

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

Offences

46. (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 level two on the standard scale.

(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 a 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 days 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.

Savings

- 47 Byelaws 13 and 17 shall not apply to any vessel on any occasion when it is being used for police, fire fighting or rescue operation in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it was being used on that occasion.
- 48 Nothing contained in any of the foregoing byelaws shall be deemed to be, or shall operate as a grant by, on or on behalf of the Crown as owner of part the foreshore and seabed below mean high water of any estate or interest in or right over such foreshore or seabed, and any part thereof, nor shall anything contained in or done under any provisions of the foregoing byelaws in any respect prejudice or injuriously affect the right and interest 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.
- 49 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 Welsh Water or the Environment Agency, or any other Statutory Body or Utility.
- 50 Nothing in these byelaws shall prejudice or derogate from any rights or privileges or the jurisdiction or authority of the Trinity House, or the Royal National Lifeboat Institute.

Given under the Common Seal of the Gwynedd Council the **** day of ****
Two Thousand and Ten

THE COMMON SEAL of GWYNEDD COUNCIL
was hereto affixed in the presence of:

AUTHORISED SIGNATORY

Signed and sealed on behalf of the ***** on the
day of 2010.

Signed