



LOWESTOFT HARBOUR

**BYE-LAWS
1993**

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Associated British Ports in exercise of the powers conferred on it by Section 83 of the Harbours, Docks & Piers Clauses Act 1847 (incorporated by Section 51 of the British Transport Docks Act 1964) and by Section 52 of the British Transport Docks Act 1964 and of all other enabling powers, hereby makes the following Bye-Laws.

PART I

PRELIMINARY

Title and commencement.

1. These Bye-laws, which may be cited as the Lowestoft Harbour Bye-Laws 1993, shall come into operation on 18th May, 1994 and shall be applied to and in respect of the harbour as hereinafter defined.

Division into parts

2. These Bye-Laws are divided into parts as follows:

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Application

3. These Bye-Laws shall apply to all parts of the harbour as defined in Bye-Law 4 hereof.

Interpretation

4. In these Bye-Laws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

"ABP" means Associated British Ports

"authorised officer" means any officer, employee or agent of ABP acting in the execution of his duty upon or in connection with the harbour.

"board sailing" means the navigation or propulsion of a sail board and "sail board" means a vessel in the form of a raft with a sail and which is designed to be navigated by a person standing upright thereon.

"Collision Regulations" means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 and subsequent amendments.

"goods" means all articles and merchandise of every description and includes fish, livestock and animals.

"harbour" means and includes:

(1) the whole area of Lowestoft Harbour from the Outer Pier Heads to the seaward side of Mutford Lock, including the Hamilton and Waveney Docks; the Trawl and Yachts Basins; the Outer and Inner Harbours; and Lake Lothing, over which ABP has jurisdiction.

(2) the dock undertaking of ABP (hereinafter described as "the docks") and including any dry dock, slipway, lock or entrance, and all quays, jetties, plant, railways, buildings, sheds, entrances, approaches, roads, ways, bridges, gates, and all works and things and land comprising the said undertaking.

"harbour master" means the Dock and Harbour Master appointed by ABP and includes his authorised deputies and assistants and any person authorised by ABP to act in that capacity.

"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 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 or 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.

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

"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 semi-submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

PART II

NAVIGATION OF VESSELS

5. All vessels must enter, leave and navigate in the harbour in accordance with the International Regulations for Preventing Collisions at Sea.

Application of Collision Regulations.

6. The master of a vessel arriving at 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

Declaration of particulars of vessel

tonnage and draught of the vessel, its last port of call, ownership, destination, particulars of its cargo and Agents acting for the vessel whilst remaining in the Port.

Vessel Movements

7. Approaching and departing vessels must make every reasonable effort to establish and maintain contact with the Lowestoft harbour control on VHF Channel 14.

Observance of signals

8. All vessels must observe the harbour control signal lights and those relating to opening bridges.

Speed of vessels

9. All vessels entering or being within the harbour shall be navigated with all reasonable care and caution and at a speed not exceeding four knots.

Water skiing, Board sailing, jetbikes, etc

10. Water skiing, board sailing and the use of jetbikes or jetskis in the harbour area may take place only where expressly permitted in writing by the harbour master.

Navigating whilst under the influence of drink or drugs

11. (a) No person shall navigate or attempt to navigate a vessel when unfit by reason of drink or drugs to do so.

(b) No master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Bye-Law.

Power driven vessel underway.

12. The master of a power driven vessel underway shall either be on the bridge or control position of the vessel himself or ensure that there is on the bridge or control position 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.

Notification of collisions etc.

13. The master of a vessel which:

(a) has been involved in a collision with any vessel, navigational mark, shore facility or property or has been sunk or grounded or become stranded in the harbour area; 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;

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 to a vessel is such as to affect or be likely to affect its seaworthiness the master shall not move the vessel except to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master.

PART III

MOORING AND MANAGEMENT OF VESSELS

Mooring persons to be in attendance.

14. The master of any vessel entering or moving within the harbour shall have sufficient competent persons in attendance for mooring purposes.

Vessels berthed to be laid close alongside.

15. The Master or owner of a vessel which is berthed within the harbour shall ensure that such vessel is close alongside and

securely made fast at all times unless otherwise directed by the harbour master.

16. The master of every vessel within the harbour, with the exception of rowing boats and other similar light non-powered vessels, shall have adequate fire extinguishing equipment available for immediate use in any part of the vessel at all times, and the nature and amount of such equipment shall take into account any abnormal fire risk associated with any such vessel.

Fire extinguishing equipment.

17. The master of every vessel within the harbour shall ensure that no fire shall be allowed thereon except in suitable containers and under watch.

Fire precautions on vessels.

18. No person shall cut adrift or unlawfully or without authority unloose any vessel which may be made fast or moored in any part of the harbour.

Moored vessels not to be cut adrift, etc.

19. No person shall make a vessel fast to, cast adrift, tamper with, or vandalise any navigational buoy, light, beacon, seamark or tideboard within the harbour.

Navigational aids not to be made fast to, tampered with, etc.

20. The master or owner of a sea-going vessel shall not, except where the vessel is lying aground, take any action to render his vessel incapable of movement without first notifying the harbour master.

Vessels to be kept in a moveable condition.

21. The master or owner of a vessel shall not permit his vessel to be left unattended whilst on-board machinery is running except by prior arrangement with the harbour master.

Machinery on board vessels not to be unattended when operating.

22. The Master or owner of a vessel which is at a quay, or attached to any mooring device, shall not permit the engines of his vessel to be worked in such a manner as to knowingly or negligently cause injury or damage to the bed, banks or quays of the harbour or to any other vessel or property.

Use of engines while vessel moored or berthed.

23. The master or owner of a vessel within the harbour or docks shall not permit or cause the engines of such vessel to be set in motion for trial purposes without the permission, in writing, of the harbour master or otherwise than in accordance with the terms of such permission.

Testing of engines.

24. The master or owner of any fishing vessel shall not permit derricks, beams, doors or any other fishing equipment to overhang the side of the vessel in such a manner as to obstruct safe mooring or cause damage to another vessel alongside whilst within the harbour.

Equipment on fishing vessels not to cause obstruction or damage.

25. The master or owner of a vessel within the harbour shall allow facilities for the free and safe passage across or over the deck of his vessel to or from any other vessel lying farther from the quay.

Access across decks.

26. No master or owner of a vessel within the harbour shall permit grit blasting or spray painting on board that vessel unless contained in a recognised area or with written permission from the harbour master or other authorised person.

Unauthorised grit blasting or spray painting.

Mooring and discharge of vessels landing fish.

27. The master of every vessel bringing fish for sale within the harbour shall moor or place his vessel and land the fish at the proper Waveney Fish Market, and not at any other place within the harbour, unless and on such terms as the harbour master shall otherwise permit.

PART IV

CONDUCT OF PERSONS IN HARBOUR

Fire precautions.

28. Every person in the area of jurisdiction of ABP shall take all reasonable precautions for the prevention of fire.

No smoking or fires.

29. No person shall smoke or carry a lighted pipe, cigar or cigarette or light fires, on the premises owned by ABP:

- (a) where smoking is expressly prohibited by a notice exhibited in a conspicuous position in such part of the premises; or
- (b) if requested by the harbour master or any authorised person not to do so in or upon any part of the premises where smoking or carrying a lighted pipe, cigar or cigarette may in their opinion be dangerous; or
- (c) near to or amongst any dangerous goods in the premises.

Use of welding and burning equipment.

30. (a) Where any operation including the use of hot rivets, welding or burning equipment or any other potential source of ignition is undertaken in any part of the harbour owned or administered by ABP, the operators shall take such precautions including the removal of flammable materials as may reasonably be necessary to prevent fire and to avoid injury.
- (b) No tanks, containers or other facilities used for storage or transportation of flammable materials shall be repaired by welding or burning until the operators of such equipment have ensured that such facilities have been rendered safe for making the repairs.
- (c) The operators of any welding or burning equipment shall ensure that every compressor or generator used in connection therewith shall be placed securely.

Entering whilst under the influence of drink or drugs.

31. No person shall enter any premises owned or administered by ABP when drunk or incapacitated by drugs.

Obstruction.

32. No person shall place vehicles, machinery, materials or rubbish on the docks in such a manner which may cause an obstruction to the lawful activities of other users or the safe passage of emergency services unless otherwise directed by the harbour master.

Oil and oil containers.

33. No master or owner of a vessel shall leave or cause to be left any drums or containers of oil products, waste oil or mixtures containing oil, on the docks during the hours of darkness except by agreement or permit from the harbour master.

34. No person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever.

Dumping in harbour waters prohibited.

35. No fishing devices may be used in any part of the harbour without the express permission of the harbour master.

Fishing in the harbour.

36. No person shall dive or swim in the waters of the harbour without a permit issued by the harbour master.

Bathing in the harbour.

37. No person should bring or allow a dog or domestic animal on any part of the docks without the express permission of the harbour master.

Dogs and domestic animals in the docks.

PART V

PENALTIES FOR CONTRAVENTION OF BYE-LAWS, RESPONSIBILITY AND DEFENCE

38. Any person contravening these Bye-Laws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale, except in the case of Bye-Laws 34 and 37 where level 2 will apply.

Penalties.

39. Where the commission by any person of an offence under these Bye-Laws is due to the act or default of some other person, that other person shall be guilty of the offence; and that other person may be charged with, and convicted of, the offence by virtue of this Bye-Law whether or not proceedings for the offence are taken against any other person.

Responsibility.

40. In any proceedings for an offence under these Bye-Laws, it shall be a defence for the person charged to prove:

Defence.

(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.

If in any case the defence provided by sub-paragraph (a) of this Bye-Law involves the allegations 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 prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

PART VI

REVOCATION OF BYE-LAWS

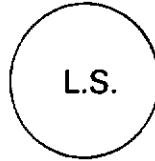
41. From and after the date of the coming into force of these Bye-Laws, the following Bye-Laws shall be revoked:

The Lowestoft Harbour and Fish Market Byelaws 1958 confirmed by the Minister of Transport and Civil Aviation on 5 November 1958.

The Lowestoft Harbour and Fish Markets Additional General Byelaws confirmed by the Minister of Transport on 25 February 1969.

The Lowestoft Harbour and Fish Markets Additional General Byelaws confirmed by the Minister of Transport on 26 November 1969.

THE COMMON SEAL OF
ASSOCIATED BRITISH PORTS was
hereunto affixed in the presence
of:



AVRIL WINSON
Deputy Secretary

on the 4th January, 1994.

THE SECRETARY OF STATE hereby confirms the foregoing Bye-
Laws.
Signed by Authority of the Secretary of State

PETER R. SMITH
An Assistant Secretary in the Department of Transport

on the 29th April, 1994.