

CUMBRIA COUNTY COUNCIL

PORT OF WORKINGTON

GENERAL BYELAWS

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PORT OF WORKINGTON GENERAL BYELAWS 2000

Cumbria County Council as Harbour Authority for The Port of Workington in exercise of the powers conferred by Sections 23, 24, 25 and 26 of the Workington Harbour Act 1974 *(a)*, and of all other powers them enabling, do hereby make and enact the following Byelaws.

PART I - PRELIMINARY

Title and commencement

1. These byelaws may be cited as the Port of Workington General Byelaws 2000 and shall come into operation on the expiration of 28 days from the date of their confirmation by the Secretary of State for the Environment, Transport and the Regions.

Application

2. These byelaws shall apply to all part of the Port of Workington within the Harbour limits prescribed in Section 12 (Harbour limits) of the Workington Harbour and Dock Act (Transfer) Act 1957 *(b)* including the dock estate as defined in byelaw 3.

Interpretation

3. (1) In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:-

“the Act” means the Workington Harbour Act 1974;

“berthed” means secured to a quay or to the bank of the river or a dock or secured to another vessel so secured, and “to berth” and “berthing” shall be construed accordingly;

“by day” means between sunrise and sunset;

“by night” means between sunset and sunrise;

“Collision Regulations” means regulations for the prevention of collisions made under Section 85 of the Merchant Shipping Act 1995 *(c)* and any amending Acts;

“competent” when used in relation to a master or any other person means respectively a master or a person having such qualifications, training and experience that he is capable of properly carrying out the duties required of him;

“The Council” means Cumbria County Council;

- (a) 1974 c.xxviii
(b) 1957 c.XXxii (5 & 6 Eliz. 2)
(c) 1995. c2 L

“discharging” includes deballasting, unloading, landing and all operations associated with and consequential upon the discharge of goods from vessels or vehicles;

“the dock estate” means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences and the lands, buildings and property of every description and of whatever nature which are for the time being vested in or occupied or administered by the Council in connection with the Harbour;

“dredging” means excavating, raising, raking, breakings, dispersing, drilling, boring or screwing material in the bed or shores within the Harbour;

“fairway” means a navigable channel which is a regular course or track of shipping;

“fish” includes molluscs and crustaceans;

“goods” include articles, substances and merchandise of every description and nature, and fish, livestock and animals;

“the Harbour” means the Port and Harbour of Workington within the limits of the Harbour as referred to in byelaw 2;

“the Harbour Master” means the Harbour Master appointed by the Council and includes his authorised deputies and assistants and any person authorised by the Council to act in any of those capacities;

“hovercraft” has the meaning given by Section 4 of the Hovercraft Act 1968 (a);

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils;

“knot” means a unit of speed equivalent to a nautical mile per hour;

“loading” includes ballasting, stowing and all operations associated with and consequential upon the loading of goods on or in vessels or vehicles;

“master” when used in relation to any vessel means any person having or taking, whether lawfully or unlawfully, the command, charge or management of the vessel for the time being;

“moored” means:

- (a) secured to a mooring buoy, mooring chain or other mooring device in the waters of the Harbour either ahead or astern or both; or
 - (b) secured to another vessel so secured; and “to moor” shall be construed accordingly;
- “officer” includes a servant;

“owner” when used in relation to:-

- (a) goods, includes any person in charge of the goods, the owner, any part owner, consignor, consignee, shipper or agent for the sale, receipt, custody, loading or discharging and clearance of those goods;
- (b) a vessel, includes any person in charge of the vessel, the owner, any part owner, master, broker, charterer, agent or mortgagee in possession, of the vessel;
- (c) a vehicle, means the registered keeper of the vehicle (and “registered keeper” means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 (a))

and in all cases includes their respective agents.

“power driven vessel” means any vessel propelled by machinery;

“prolonged blast” means a blast from four to six seconds duration;

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

“rubbish” includes ballast, refuse, ashes and scrap and waste materials;

“security officer” means an officer appointed by the Council for security purposes, whether or not designated as security officer;

“short blast” means a blast of about one seconds duration;

“small vessel” means any vessel of less than 24 metres in length;

“vehicle” includes any vehicle propelled on rails, machinery on wheels, skids or caterpillar tracks, trailer, flat, caravan, mobile home and a hovercraft and any other amphibious vehicle on or over land;

“vessel” means every description of vessel, however propelled or moved, and includes anything constructed or used to carry persons by goods by water, including any floating manufactured article, and

- (a) without prejudice to the generality of the foregoing, includes a hovercraft on, in or over the water; and
- (b) except for the purpose of levying rates, includes a seaplane on or in the water.

PART II - NAVIGATION

Vessel Movements

4. (1) The master of a vessel other than a small vessel which is to enter the Harbour shall give to the Harbour Master at least 24 hours notice of the vessel's estimated time of arrival at the Harbour and shall report to the Harbour Master when the vessel is ready to enter the Harbour.
- (2) The master of a vessel other than a small vessel which is to move within or leave the Harbour shall give to the Harbour Master at least 1 hour's notice of the estimated time at which the vessel will commence navigating in the Harbour and shall report to the Harbour Master immediately before the vessel is to commence to so navigate.

Declaration of particulars of vessel

5. The master of a vessel shall before it arrives at the Harbour supply to the Harbour Master such information as the Harbour Master may reasonably require, concerning the name, nationality, dimensions, tonnage, draught, ownership, last harbour of call and destination of the vessel, and the nature, quantity, condition and stowage of its cargo.

Notice to be given of damaged vessels and incidents

6. (1) The master of a vessel intending to enter the Harbour:-
 - (a) which has sustained damage or has any defect which affects or is likely to affect its seaworthiness or safe navigation;
 - (b) which is or may be in danger of sinking;
 - (c) is on fire, or has been on fire at any time within the period of fourteen days ending on the day on which the vessel is ready to enter the Harbour;
 - (d) of which the cargo or its stowage is in an unsafe or dangerous condition;
 - (e) from which oil or a harmful, dangerous or flammable substance is escaping or is likely to escape; or
 - (f) which is carrying or towing a mine or other dangerous object taken from the sea; shall give notice thereof to the Harbour Master as soon as practicable before entering the Harbour and shall not take the vessel into the Harbour unless he has given such notice and then only with the permission of the Harbour Master and in accordance with any directions the Harbour Master may give.
- (2) The master of a vessel which, within the Harbour:-
 - (a) is, or may be in danger, of sinking, grounding or stranding or has sunk, grounded or stranded; or

- (b) is on fire; or
- (c) is in collision with any vessel or property; or
- (d) sustains damage or causes damage to another vessel or to property; or
- (e) parts from its berth or any of its moorings so as to come adrift or to be in danger of becoming adrift or comes adrift for any other reason; or
- (f) is by reason of accident, fire, defect or otherwise in such a condition as to affect its seaworthiness or safe navigation or to give rise to danger to persons, other vessels or property; or
- (g) in any manner gives rise to an obstruction; or
- (h) has an' escape or is likely to have an escape of oil or a harmful, dangerous or flammable substance;

shall forthwith report the occurrence to the Harbour Master and as soon as practicable thereafter provide the Harbour Master, in writing, with full details and such further particulars as the Harbour Master may reasonably require.

- (3) The master of a vessel within the Harbour which for any cause is in such a condition as to affect its seaworthiness or safe navigation or to give rise to danger to persons, other vessels or property shall not move the vessel except with the permission of the Harbour Master and in accordance with his directions unless for safety reasons it is necessary to do so to clear the fairway or to berth, to moor or to anchor the vessel before such permission or directions can be obtained. The master of such vessel shall if the Harbour Master so directs forthwith remove it from the Harbour or to any part of the Harbour as the Harbour Master may direct.

Master to be on board

- 7. The owner of a vessel shall ensure that there is a competent master on board his vessel at all times when it is being navigated.

Master to remain on bridge

- 8. The master of a vessel being navigated shall either himself be on the bridge of the vessel or at the place from which the steering of the vessel is directed or ensure that the vessel is being navigated by a person who is competent to take charge of the vessel and, when a pilot is on board, capable of understanding the directions of the pilot.

Seaworthiness and steering of vessels

- 9. The master of a vessel being navigated shall ensure that the vessel is seaworthy in all respects, except when it is being moved as allowed

or required by paragraph (3) of byelaw 6, and that it is steered at all times by a competent person.

Vessels to be navigated with care

10. (1) The master shall navigate his vessel with such care and caution and at such speed and in such manner as not, directly or indirectly, to endanger the lives of or cause injury to persons or damage to property or to other vessels including injury or damage by or resulting from wash, swell or suction, and as not to cause any obstruction to or to interfere with the navigation, manoeuvring, working, loading or discharging of vessels, or buoys, moorings, river banks or other property.
- (2) The master of a power driven vessel shall reduce its speed so as not to cause a hazard to any other vessel which is being docked or undocked or to any person or vessel engaged in dredging, diving or other underwater operations or in work on any buoy, mooring, quay or other riverside property.

Speed of vessels

11. Except with the permission of the Harbour Master and, without prejudice to the provisions of byelaw 10 and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 5 knots over the ground.

Vessels not to obstruct fairway

12. The master of a vessel, whether under power or sail, which is not confined to navigating within the fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

Vessels entering or crossing the fairway

13. The master of a vessel shall cause the vessel to enter, cross or turn or manoeuvre in the fairway only when the fairway in the vicinity of the vessel is clear, and in such a manner as shall not, or shall not be likely, to impede or endanger any other vessel.

Navigation under influence of drink or drugs

14. 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 charge of the vessel.

PART III - BERTHING AND MOORING

Permission to anchor

- 15: (1) The master of a vessel shall not except with the prior permission of the Harbour Master anchor, or otherwise place or stop his vessel in the Harbour in such a manner as to cause an obstruction or impediment to other vessels using, approaching or leaving the Harbour, except in an emergency to avoid collision, drifting, stranding, grounding or damage to any vessel or property.
- (2) The master of a vessel which is in such a position, and which in the opinion of the Harbour Master is likely to cause an obstruction or impediment as aforesaid, shall upon being ordered by the Harbour Master immediately move his vessel to a position approved by the Harbour Master, except where prevented from doing so by reason of emergency as described, in default of which the Harbour Master may take any action he considers necessary to remove the obstruction or impediment.
- (3) The master of a vessel which in an emergency has been anchored, placed or stopped in the Harbour or in the seaward approaches to the Harbour in such a position as to cause an obstruction or impediment to other vessels shall forthwith report the occurrence to the Harbour Master.

Berthing or mooring position of vessels

16. Except with the permission of the Harbour Master, the master of a vessel shall cause it to be berthed or moored only in such a position as to be clear of the fairway.

Vessels to be properly berthed or moored or anchored

17. The master of a vessel not underway shall at all times:-
- (a) keep his vessel properly and effectively berthed or moored or, subject to the provisions of byelaw 15, anchored;
- (b) ensure that its moorings are adjusted as necessary to allow for the rise and fall of the tide or the level of water in the dock.

Removal of projections from vessels

18. The master of a vessel shall ensure that whilst his vessel is being or is berthed or moored at a quay or alongside another vessel or is leaving a quay or moving from alongside another vessel his vessel's anchors are properly stowed and that all projections beyond the sides of his vessel which are moveable, other than fenders, and which may cause injury, damage, or obstruction are removed.

Vessels to be moved as directed

19. The master of a vessel which is berthed or moored or anchored shall if so directed by the Harbour Master move his vessel out of the Harbour or to such other place within the Harbour as the Harbour Master may direct.

Fendering of vessels

20. The master of a vessel shall ensure that when his vessel is being or is berthed or moored at a quay or alongside another vessel or is leaving a quay or moving from alongside another vessel it is adequately fendered off that quay or other vessel so as to prevent damage to that quay or other vessel or to other property or to his vessel.

Vessels not be made fast to unauthorised objects

21. (1) The master of a vessel shall not cause his vessel to be berthed or moored except to berthing or mooring facilities provided and assigned for that purpose or to another vessel properly and effectively berthed or moored.
- (2) No person shall make a vessel fast to any post, ring, fender, ladder or any other thing or place not provided for that purpose except with the permission of the Harbour Master which may be given generally or specifically.

Vessels to be kept in a moveable condition

22. (1) The master of any vessel other than a small vessel, berthed, moored or anchored within the Harbour shall not take any steps to render his vessel incapable of movement without first notifying the Harbour Master and obtaining his permission and shall otherwise at all times keep his vessel in such condition that it is capable of being safely moved and navigated.
- (2) Where a vessel to which paragraph (1) of this byelaw applies 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.

Sufficiency of crew

23. Except with the permission of the Harbour Master, the owner and master of a vessel other than a small vessel shall at all times ensure that there are sufficient crew or other persons competent and readily available on the vessel:-
- (a) to attend to his vessel's moorings;
- (b) to comply with any directions given by the Harbour Master for the unberthing, berthing, unmooring, mooring and moving of his vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

Attendance on board

24. The master of a vessel, other than a small vessel, shall not, except with the permission of the Harbour Master, leave his vessel unless he leaves a competent

person on board the vessel responsible for ensuring that the matters referred to in paragraphs (a) (b) and (c) of Byelaw 26 are dealt with as may be necessary from time to time during the master's absence.

Passage across or over vessels

25. The master of a vessel which is berthed or moored shall, if required so to do by the Harbour Master, allow persons and goods to pass across or over the decks of his vessel to and from any vessel berthed or moored alongside his vessel.

Access to and egress from vessels

26. (1) The master and owner of a vessel which is berthed alongside a quay, other than a small vessel, shall, except where the Merchant Shipping (Means of Access) Regulations 1988 (a) apply:-
- (a) ensure that safe means of access to and egress from the vessel is provided at all times for all persons having lawful business on the vessel;
 - (b) ensure that such means of access and egress is so placed as not to impede operations on the quay; and
 - (c) provide during the hours of darkness sufficient lighting to illuminate the whole length of such means of access and egress.
- (2) The master of a vessel, other than a small vessel, which is berthed or moored alongside another vessel shall ensure that:-
- (a) safe means of passing from one vessel to other vessel is provided when required by any person having lawful business on his vessel; and
 - (b) if such means of passage is required during the hours of darkness, sufficient lighting is provided to illuminate it or them.

Use of engines while vessel berthed or moored

27. The master of a vessel which is berthed or moored shall not permit the engines of the vessel to be worked for trial, except with the permission of the Harbour Master, or in such a manner as to cause injury to any person or damage to the bed or banks of the Harbour or to any other vessel, moorings, quay, or other property of any description or as to interfere with the safe navigation of any other vessel.

(a) S.I. 1988/1637, amended by S.I. 1989/2274 and applied by S.I. 1996/3243

PART IV - VESSELS

Vessels to have names or other means of identification marked on them

28. The owner and master of a vessel which is using the Harbour and is not registered for the purpose of Part II of the Merchant Shipping Act 1995 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification.

Repairing of vessels

- 29: (1) The owner and master of a vessel or any other person shall not:-
- (a) cause or permit the vessel to be altered, repaired, descaled or scraped or any similar operation to be carried out on the vessel anywhere in the Harbour if during any of those operations material of any description is likely to fall into or be deposited in the waters of the Harbour; or
 - (b) cause or permit the vessel to be altered or repaired at any quay of the dock estate except with the prior permission of the Harbour Master and in accordance with such conditions as he may impose.

Breaking up of vessels

30. No person shall set fire to or destroy or break up a vessel or wreck in the Harbour except with the prior permission of the Harbour Master and in such a manner and position as may be approved by the Harbour Master.

Abandonment of vessels

31. (1) No person shall abandon or cause to be abandoned a vessel or any part of a vessel in any part of the Harbour.
- (2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel or any part of a vessel in any part 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.

Vessels and cargoes not to be fumigated without permission

32. The master or owner of a vessel shall not cause or permit the vessel or any part of its cargo to be fumigated in the Harbour except with the permission of the Harbour Master and subject to any conditions which he may impose.

Change of name or ownership of vessels

33. On any change in the name or in the ownership of a vessel, other than a small vessel, in the Harbour the owner and the master in the case of a change of name, and the parties to a change of ownership shall ensure that immediate written notice of the change is given to the Council.

PART V - SIGNALS

Unnecessary signals

34. The master of a vessel shall not cause the vessel's whistle or siren to be sounded in the Harbour except to make signals prescribed in the Collision Regulations or to attract attention to a state of emergency, or, with the permission of the Harbour Master, for testing purposes.

Diving operations from vessels or otherwise

35. (1) No underwater diving either for leisure or commercial purposes is to take place within the Harbour without the written permission of the Harbour Master.
- (2) The master of every vessel, irrespective of size, engaged in diving operations in the Harbour shall cause to be exhibited on the vessel where it can best be seen, in addition to the lights and shapes required to be exhibited by the Collision Regulations, a rigid replica of Flag "A" of the International Code of Signals, as shown in the Schedule to these byelaws, and shall take measures to ensure all-round visibility for such replica.

The said replica shall be not less than one metre in height and by night shall be illuminated.

- (3) A person in charge of or supervising diving operations undertaken in the Harbour without an attendant vessel shall cause to be exhibited on shore where it can best be seen and as near as possible to the scene of such operations a rigid replica of Flag "A" as aforesaid and shall take measures to ensure that such replica is clearly visible from any approaching or passing vessel.

The said replica shall be exhibited for the duration of the diving operations.

Hydrofoil vessels and hovercraft

36. The master of a hydrofoil vessel underway and of a hovercraft when operating in the non-displacement mode shall cause to be exhibited on the vessel by day and by night an all round flashing yellow light.

Signals for wrecks and obstructions

37. The master or owner of any sunken vessel or part of a vessel, wreck or any obstruction which impedes or is likely to impede navigation shall forthwith mark it or cause it to be marked with such of the signals specified below as the Harbour Master may direct:-
- (a) any of the appropriate aids to navigation specified in the International Association of Lighthouse Authorities (IALA) Maritime Buoyage Systems as applied in Region A; or

- (b) a yellow flag displayed on the shore immediately adjacent to the obstruction, such flag to be illuminated by night, in such position as to be clearly visible from any vessel approaching or passing the obstruction.

Signals controlling entry into the Harbour

- 38. (1) No vessel shall enter the Harbour when the undermentioned signals are exhibited from the steel latticework pylon situated at the south west corner of the dock, viz:

By day - two red balls or discs hung vertically

By night - two red lights hung vertically

- (2) The power to restrict entry to the Harbour under paragraph (1) of this byelaw shall not be exercised except for the purpose of securing safety of navigation.

PART VI

THE REGULATION OF THE HANDLING OF GOODS AND THE OPERATION OF VEHICLES

Handling and movement of goods

39. (1) The owner of any goods shall not within the dock estate carry out on or apply to those goods any operation, other than the discharging, loading, placing, storing, bringing in or removing of goods or any process or treatment without the permission of the Harbour Master.
- (2) Paragraph (1) of this byelaw shall not apply to the carrying out or application of any operation, process or treatment by or for a person on land which he occupies on the dock estate as a tenant or licensee of the Council for a purpose which includes the undertaking of that operation, process or treatment.
- (3) The owner of any goods discharged from a vessel at the dock estate shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours of their discharge unless the Harbour Master otherwise agrees or the goods are moved within that period to a part of the dock estate let to a tenant or occupied by a licensee of the Council.

Supervision of loading and discharging

40. The master of a vessel shall ensure that at all times during the loading or discharging of the vessel a competent person, acting on behalf of the vessel, shall be on board to supervise its loading or discharging.

Precautions during loading and discharging

41. The master of a vessel and a person in charge of the loading or discharging of such vessel shall use or cause to be used such methods as the Harbour Master may direct or such means as may
- otherwise be necessary for the prevention of any cargo, dunnage, ballast or other materials or things from falling or escaping into the waters of the harbour or on to the dock estate.

Goods falling into the waters of the Harbour

42. The master of a vessel from which any cargo, dunnage, ballast or other materials or thing has fallen or escaped into the waters of the Harbour or the person in charge of the loading or discharging of the vessel, as appropriate shall:-
- (a) forthwith give notice of the occurrence to the Harbour Master and, if possible, of the position of the cargo, dunnage, ballast or other materials or thing which has fallen or escaped; and
- (b) take steps as soon as practicable for the recovery of such cargo, dunnage, ballast or other materials or thing if the Harbour Master so directs, and comply with any directions of the Harbour Master in that regard.

Obstruction at-dock estate

43. (1) No persons shall, except with permission of the Harbour Master, deposit or place any goods or park any vehicle on any part of the dock estate so as to interfere with operations there or so as to obstruct any quay, transit or working area, road, railway, bridge, building, structure, mooring place, plant, machinery, equipment, or apparatus or the access thereto.
- (2) A person who contravenes paragraph (1) of this byelaw or the owner of the goods or vehicle causing interference or obstruction shall move or remove them or it or cause them or it to be moved or removed as the Harbour Master may direct.

Removal of goods

44. A person removing goods from the dock estate, whether in or on a vehicle or otherwise, shall if required to do so by the Harbour Master or an officer of the Council:-
- (a) inform the Harbour Master or that officer of his name and address and of his authority to remove those goods and produce for inspection any written authority to remove those goods which has been issued to him; and
- (b) permit the Harbour Master or that officer to verify that the goods which that person is removing are in accordance with his authority before removal.

Safe driving of vehicles

45. No person shall drive or otherwise operate a vehicle in the dock estate without due care and attention or without reasonable consideration for other persons using the dock estate.

Regulation of vehicular traffic

46. A person driving or otherwise operating or having charge of a vehicle in the dock estate shall, subject to the provisions of byelaw 45, at all times in driving, otherwise operating or parking the vehicle comply with such signs, including road markings, signals and notices relating to the regulation of traffic as the Council may from time to time place, erect or exhibit.

Supervision of vehicle

47. A person driving or otherwise operating or having charge of a vehicle in the dock estate:-
- (a) shall at all times comply with any directions of the Harbour Master with respect to the driving, parking, loading, discharging, manoeuvring and removal of the vehicle;
- (b) shall not, without the permission of the Harbour Master, park or leave the vehicle unattended anywhere in the dock estate, except in an area allocated for that purpose by the Council; and
- (c) shall not, without the permission of the Harbour Master, take into any building or working area of the Council.

Precedence of rail vehicles

48. A person driving or otherwise operating a road vehicle in the dock estate shall give way to any locomotive, railway rolling stock or other rail vehicle.

Driving on weighbridges

49. No person shall drive or otherwise operate a vehicle across any weighbridge in the dock estate except for the purpose of weighing the vehicle or the vehicle and its load.

Loading of vehicles

50. The owner or driver of a vehicle in the dock estate shall ensure that:-
- (a) any load carried thereon or therein is properly secured and that it complies with all statutory requirements relating thereto, and restrictions on the weight of goods to be so carried, as are applicable on public roads; and
 - (b) the weight of the loaded vehicle complies with any restrictions imposed by the Council on the laden weight of vehicles in any part of the dock estate over which the vehicle is to be driven or operated.

No leaking, spilling or dropping from vehicles

51. The owner or driver of a vehicle in the dock estate shall not permit any substance to leak, spill or drop from the vehicle.

Refuelling of vehicles

52. No person shall within the dock estate charge or recharge any vehicle with fuel or remove any fuel from it except at such times and places as the Harbour Master may approve either specifically or generally.

Transfer of fuel between vessels and vehicles

53. No person shall within the dock estate charge or recharge any vessel with fuel from a vehicle or remove any fuel from a vessel to a vehicle except with the permission of the Harbour Master and in accordance with any conditions he may impose.

Accidents to be reported

54. (1) A person driving or otherwise operating or having charge of a vehicle which is involved in an accident in the dock estate whereby an injury is caused to any person or any damage is caused to any property, shall stop the vehicle and report the accident to the Harbour Master and shall give the Harbour Master his name and address, the name and address of the owner of the vehicle and such other information in regard to the accident and the vehicle as the Harbour Master may reasonably require.
- (2) This byelaw is without prejudice to reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995 (a), where they apply.

PART VII - GENERAL

Obstruction of fire and other services

55. No person shall obstruct the fire, police, ambulance and other emergency services dealing with, alleviating or preventing any emergency.

Lost anchor, chain, cable or propeller

56. The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller within the harbour shall:-
- (a) give to the Harbour Master forthwith notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and shall, if practicable, mark that position by a buoy or by other means; and
 - (b) take steps as soon as practicable for the recovery of such anchor, chain, cable or propeller if the Harbour Master so directs and comply with any directions of the Harbour Master in that regard.

Wrecks and obstructions

57. The owner of an obstruction of whatever description, whether or not floating, which impedes or is likely to impede navigation or dredging in the harbour, including a sunken, grounded, stranded or drifting vessel, wreck or vehicle, shall if so directed by the Harbour Master and in accordance with any directions he may give take steps to remove the obstruction or have it removed and, until it is removed, to have it watched and marked.

Discharge and deposit of liquids

58. (1) The master of a vessel shall not cause or permit any liquid, including circulating water, foul water and sewage, to be cast,
- placed or discharged or to escape from the vessel on to any quay in the dock estate.
- (2) No person shall leave on any part of the dock estate any rubbish or anything else with intent to abandon it.
- (3) This byelaw shall not apply to the depositing of liquid approved by the Council in the course of operations and in places which they have authorised.

Dumping in waters of the Harbour

59. No person shall place, deposit or throw or cause or permit to be placed, deposited or thrown into the waters of the Harbour any article, material or thing whatsoever or place it or permit to be placed, in such a position that it can fall, blow or drift into such waters, providing that this byelaw shall not apply to the placing or deposit of any article, material or thing which is:-

- (a) required for the execution of any work authorised or licensed by or under any enactment or approved by the Council, or
- (b) necessary for the anchoring of a vessel.

Fishing nets and lines not to cause obstruction

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

No dragging or grappling without permission

61. No person other than a police constable in the execution of his duties, shall drag or grapple in the waters of the Harbour for any material or article, other than rubbish, or remove the same from those waters or from the bed of any water area of the Harbour without the permission of the Harbour Master.

Damage to moorings

62. No person shall without reasonable cause interfere with, slacken or loosen, any rope, chain or other mooring of a vessel or otherwise cast a vessel adrift.

Entry to restricted areas on the dock estate

63. (1) No person shall without lawful authority or reasonable excuse enter, or attempt to enter, or remain in a restricted area.
- (2) In this byelaw “a restricted area” means an area of the dock estate to which the Council has prohibited public access, by means of a notice or sign exhibited in a conspicuous position, on the grounds that such access is likely to involve danger to life or disruption of facilities for travel or the handling of goods

Entry to dock estate

64. Any person on the dock estate without lawful authority or reasonable excuse shall leave the dock estate forthwith if required to do so by the Harbour Master or any other officer of the Council.

Abandonment of vehicles

65. (1) No person shall abandon or cause to be abandoned a vehicle or any part of a vehicle in any part of the Harbour.
- (2) For the purpose of paragraph (1) of this byelaw, a person who leaves a vehicle or

any part of a vehicle in any part 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.

Interference with property

66. No person shall without lawful authority:-

- (a) interfere in any manner whatsoever with any property of the Council or with any goods in their possession or their charge or under their control;
- (b) use, work or move any vessel, vehicle, plant, machinery, equipment or apparatus of the Council; or
- (c) alter, move or remove any sign, signal or notice placed, erected or exhibited by the Council.

Interference with lighthouses and navigation lights,, buoys, beacons or marks

67. No person shall without lawful authority climb on to or otherwise gain access to or intentionally interfere in any manner whatsoever with any lighthouse, floating or other light, signalling apparatus, buoy, beacon or other mark or sign intended for use for navigational purposes.

Interference with fire-fighting or life-saving equipment

68. No person shall:-

- (a) intentionally or recklessly obstruct the use or operation of, or move, or cause to malfunction any fire-fighting or life-saving equipment or apparatus in the Harbour; or
- (b) use or remove any such equipment or apparatus except for the purpose of combating fire or saving life or with lawful authority for inspection or maintenance purposes.

Restrictions on notices

69. Except in the lawful exercise of a statutory power, no person shall publicly place, erect or exhibit any notice, placard, advertisement or bill or distribute any leaflet, pamphlet, circular or other printed matter within the dock estate except with the permission of the Harbour Master.

Fire and Lights

70. (1) No person using the Harbour for any purpose shall within the dock estate or on or in any vessel at any quay of the dock estate have a fire or flame or use or permit to cause to be used any lamp, light, equipment, apparatus or other source of ignition

the use of which may involve the risks of causing fire or explosion except with the permission of the Harbour Master which may be given generally or specifically and in either case subject to such conditions as he may deem necessary in the interests of safety.

- (2) A person using the Harbour and having or using anything within the dock estate or on or in any vessel at any quay of the dock estate which may involve the risks of causing fire or explosion shall take all reasonable precautions for preventing such an occurrence.
- (3) No person shall intentionally or recklessly obstruct or prevent the Harbour Master taking steps, if he deems it necessary, to have any fire or flame extinguished or to have the use of any lamp, light, equipment or apparatus stopped when it is lit or used in contravention of this byelaw.

Smoking

71. No person shall smoke or carry a lighted pipe, cigar or cigarette within the docks:-
- (a) where smoking is expressly prohibited by the Council by a notice exhibited in a conspicuous position in such part of the docks,
 - (b) if requested by the Harbour Master or any constable or authorised person not to do so in or upon any part of the docks 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 docks.

Fireworks

72. No person using the Harbour for any purpose shall throw, fire or otherwise ignite any firework, as defined for the purposes of the Explosives Act 1875 (*a*) in the Prince of Wales Dock or on or from any vessel in the Prince of Wales Dock except with the prior permission of the Harbour Master or as a lawful distress signal.

Firearms and offensive weapons

73. (1) No person shall, without lawful authority or reasonable excuse, have with him in the Prince of Wales Dock a loaded shotgun or loaded air weapon or any other firearm, whether loaded or not, together with ammunition suitable for use in that firearm, in each case as defined in the Firearms Act, 1968 (*b*), or an offensive weapon as defined in the Prevention of Crime Act, 1953 (*c*).

- (a) 1875 c.17
- (b) 1968 c.27
- (c) 1953 c.14

- (2) No person shall discharge in the Prince of Wales Dock or on any vessel in the Prince of Wales Dock any firearm other than as a lawful distress signal or in the proper use of life saving apparatus or a firearm loaded with blank ammunition for use as a starting signal except with the permission of the Council.

Aircraft

- 74. (1) No person shall land or take off an aircraft (including a seaplane) in or from within the harbour or on or from a vessel in the Harbour except with the permission of the Harbour Master and subject to any conditions he may impose.
- (2) No person shall use or cause to be used any part of the dock estate for the landing or taking off of an aircraft except with the consent of the Council and subject to any conditions they may impose.

Animals

- 75. (1) No person shall bring on to or keep on any part of the dock estate any animal except with the permission of the Council given either specifically or generally.
- (2) A person having charge of an animal on the dock estate shall at all times keep it under control and secure by means of a leash, container or other appropriate method.

Meetings

- 76. Except with the consent of the Harbour Master, no person shall within the dock estate:-
 - (a) convene or take part in any public meeting; or
 - (b) gather together or 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.

Unauthorised trading

- 77. (1) No person shall engage by way of trade in buying or selling any goods or property in the dock estate without the written consent of the Council.
- (2) Paragraph (1) of this byelaw shall not apply to buying or selling by a person on land which he occupies on the dock estate as a tenant or licensee of the Council for a purpose which includes the undertaking of that buying or selling.

Bathing, swimming, diving

- 78. (1) No person shall bathe, swim, or engage in under water activities other than diving operations to which byelaw 35 applies, except with the permission of the Council;
 - (a) in or to or from any part of the dock estate;

- (b) in the fairway within the Harbour; or
- (c) in any other area which the Council may designate by means of a notice placed in a conspicuous position in or near that area, as an area in which all or any of those activities are prohibited.

Water skiing, aquaplaning and other similar activities

79. No person shall engage or take part in water skiing, aquaplaning, kiting or parachute towing or any similar waterborne or airborne activity or in water-biking, jet skiing or the use of any other personal watercraft except with the permission of the Council given either specifically or generally and only in such areas as may be designated by the Council and in accordance with such reasonable conditions as the Council may impose.

Regattas, races and similar events

80. (1) No person shall organise any regatta, race, procession, pageant or any other similar event, or any part of any such event, when a number of vessels is expected to participate or to assemble, to take place within the Harbour, unless he supplies to the Council such information in regard to that event as the Council may require and obtains the prior written consent of the Council to the holding of such event or the part of such event within the Harbour.
- (2) The organiser of any of the events referred to in paragraph (1) of this byelaw shall ensure that it only takes place in accordance with any conditions imposed by the Council or the Harbour Master and in areas or at places or on courses and at times previously approved by the Council or the Harbour Master.

Penalties

81. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws, other than those referred to in paragraph (2) of this byelaw, or any condition, requirement or prohibition imposed by the Council or the Harbour Master in the exercise of the powers conferred upon them or him by these byelaws shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (2) Any person who contravenes or otherwise fails to comply with byelaws 11, 14, 30, 52, 53, 71, 72 or 73 or any condition, requirement or prohibition imposed by the Council or the Harbour Master in the exercise of the powers conferred upon them or him by these byelaws shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (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 a person may be charged with, and convicted of, the offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.

- (4) 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.
- (5) If in any case the defence provided by paragraph (4) (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 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.
- (6) It is expressly declared that the imposition and payment of any penalty under these byelaws shall not affect the liability of any person or vessel for any loss or injury or damage to any person or property arising from any contravention or failure to comply with any of these byelaws or any condition, requirement or prohibition imposed by the Council or the Harbour Master in exercise of the powers conferred by these byelaws.

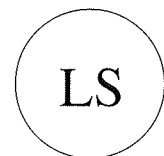
Revocations

82. The following byelaws are hereby revoked:-

Byelaws for the regulation of the Port of Workington made by the said Workington Harbour and Dock Board on the first day of May 1941.

THE COMMON SEAL OF CUMBRIA COUNTY COUNCIL

was hereunto affixed this
Seventh day of July 2000
in the presence of:-



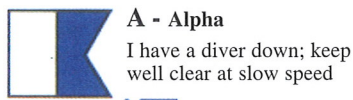
R.H. Claydon
Assistant Head of Legal Services

Signed by the authority of the Secretary of State for Environment, Transport and the Regions.

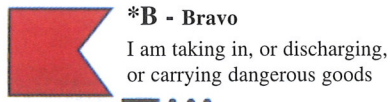
S.K. Reeves
Head of Ports Division Department of the Environment, Transport and the Regions

Dated 25th September 2000

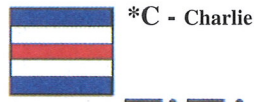
INTERNATIONAL CODE OF SIGNALS, CODE FLAGS, PHONETIC ALPHABET, MORSE SYMBOLS AND SINGLE-LETTER SIGNALS



A - Alpha
I have a diver down; keep well clear at slow speed



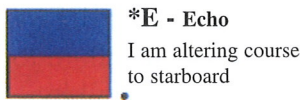
***B - Bravo**
I am taking in, or discharging, or carrying dangerous goods



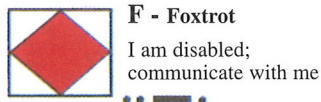
***C - Charlie**



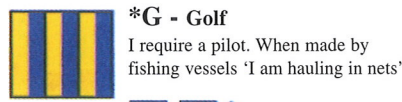
***D - Delta**
Keep clear of me; I am manoeuvring with difficulty



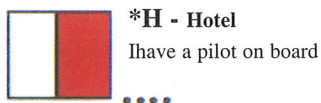
***E - Echo**
I am altering course to starboard



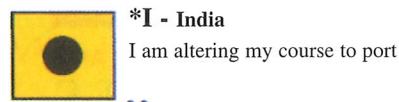
F - Foxtrot
I am disabled; communicate with me



***G - Golf**
I require a pilot. When made by fishing vessels 'I am hauling in nets'



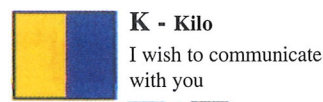
***H - Hotel**
I have a pilot on board



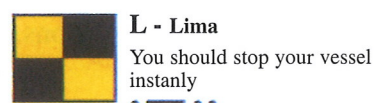
***I - India**
I am altering my course to port



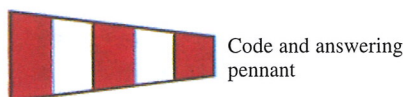
J - Juliett
I am on fire and have dangerous cargo on board; keep well clear of me



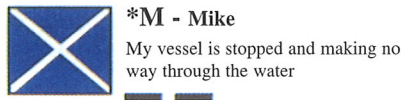
K - Kilo
I wish to communicate with you



L - Lima
You should stop your vessel instantly



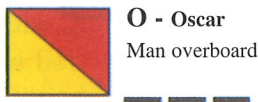
Code and answering pennant



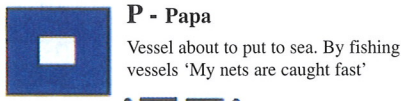
***M - Mike**
My vessel is stopped and making no way through the water



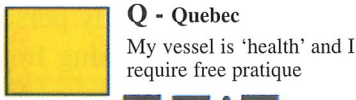
N - November



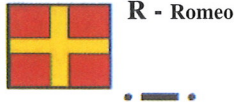
O - Oscar
Man overboard



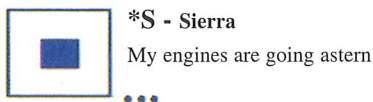
P - Papa
Vessel about to put to sea. By fishing vessels 'My nets are caught fast'



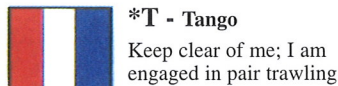
Q - Quebec
My vessel is 'health' and I require free pratique



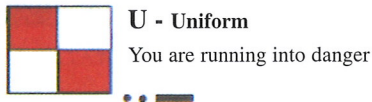
R - Romeo



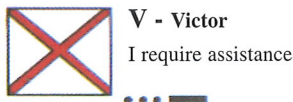
***S - Sierra**
My engines are going astern



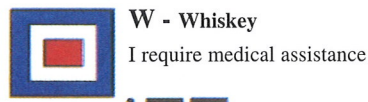
***T - Tango**
Keep clear of me; I am engaged in pair trawling



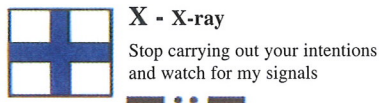
U - Uniform
You are running into danger



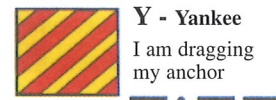
V - Victor
I require assistance



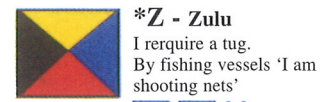
W - Whiskey
I require medical assistance



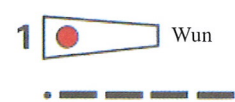
X - X-ray
Stop carrying out your intentions and watch for my signals



Y - Yankee
I am dragging my anchor



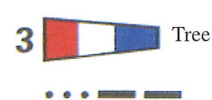
***Z - Zulu**
I require a tug. By fishing vessels 'I am shooting nets'



1 - Wun



2 - Too



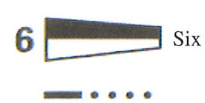
3 - Tree



4 - Fow-er



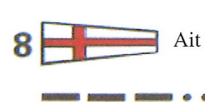
5 - Fife



6 - Six



7 - Sev-en



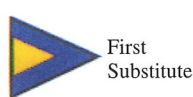
8 - Ait



9 - Nin-er



0 - Zero



First Substitute



Second Substitute



Third Substitute