



BYE-LAWS

Effective 4th July 1991

**EXTRACT FROM
THE MONTROSE HARBOUR REVISION ORDER 1991**

Change of Name

1. The name of the Trustees of the Harbour of Montrose is hereby changed to the Montrose Port Authority.
2. The change in name effected by paragraph (1) of this article shall not affect the rights of obligations of any person or render defective any legal proceeding; and any reference in-
 - a) any enactment, or
 - b) any agreement, deed, lease, licence or other instrument in force immediately before the commencement of this Order, to the Trustees of the Harbour of Montrose, the Board of those trustees or a trustee of that Harbour shall be read as a reference to the Montrose Port Authority or, as the case may require, to a member of that Authority.

GENERAL HARBOUR BYELAWS

The Trustees of the Harbour of Montrose in exercise of the powers conferred on them by Section 83 of the Harbours Docks and Piers Clauses Act, 1847, as incorporated under Section 1 of the Montrose Harbour Act 1850, and by Article 22 of the Montrose Harbour Revision order, 1974 and of all powers enabling them in that behalf, hereby make the following Byelaws:-

PART 1 – PRELIMINARY

Title and Commencement

1. These byelaws may be cited as the Montrose Harbour Byelaws 1991 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of state.

Application

2. “The Harbour” means the Harbour Of Montrose as described in Article 19 of the Montrose Harbour Revision Order 1974, and includes the land, buildings, works, plant, property and conveniences connected therewith or any part thereof as the case may be.
These byelaws shall apply to all parts of the harbour hereto and to the harbour premises/dock estate as defined by byelaw 3 hereof. Her Majesty’s Warships are to have regard to these byelaws but nothing contained herein shall constrain the freedom of operation of the said vessels.

Interpretation

3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meaning hereby respectively assigned to them – “the Authority” means the Trustees of the Harbour of Montrose.
- “Collision Regulations” means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;
- “goods” means all articles and merchandise of every description and includes fish, livestock and animals;
- “the harbourmaster” means the person appointed as such by the Trustees for the time being, and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity;
- “the harbour premises/dock estate” means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;
- “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 have the command, charge of 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 and 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 and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being.

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

“small vessel” means any vessel of less than 20 metres in length or a sailing vessel and for the purposes of this definition “sailing vessel” means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;

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

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

PART II – NAVIGATION

Application of collision regulations

4. Insofar as the rules contained in the schedule to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 do not apply within the harbour by virtue of Rule 1 (a) of the said Schedule, the like rules shall so apply as part of these byelaws but subject to the other provisions of these byelaws (and reference in these byelaws to the Collision Regulations shall include references to the said rules as applied by this byelaw).

Vessel movements

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

Declaration of particulars of vessel

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 tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

Vessels to navigate with care

7. The master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or moorings, river banks or other property.

Speed of vessels

8. Except with permission of the harbour master and, subject to byelaws 7 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.

Small vessels not to obstruct fairway

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

Vessels not to be made fast to navigation buoys or marks

10. The master of a vessel shall not make fast his vessels to or lie against buoy, beacon or mark used for navigational purposes.

Notifications of collisions etc.

11. The master of a vessel which
 - a) Has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a 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; or
 - c) In any manner gives rise to an obstruction to a fairway; shall forthwith report the occurrence to the harbour master and (as soon as practicable thereafter) provide the harbour master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the master shall not move the vessel except to clear the fairway or to moor or anchor in safely, otherwise than with the permission and in accordance with the direction of the harbour master.

Vessels adrift

12. The master of a vessel which parts from its moorings shall as soon as possible report the same to the harbour master.

PART III – BERTHING AND MOORING

Provision of proper fenders

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

Vessels to be properly berthed

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

Access to and egress from vessels

15. The master of a vessel of 30 metres or more in length while berthed along-side a quay shall provide and maintain a sufficient and proper gangway, with safety net, for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

Sufficiency of crew

16. Except with the permission of the harbour master, 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 and that there are sufficient crew or other competent persons readily available –

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

Vessels to be kept in a moveable condition

17. (1) The master of a seagoing vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the harbour master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.
- (2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbour master forthwith and give to him any further information which the harbour master may reasonably require.

Use of engines while vessel moored or berthed

17. 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 a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

Vessels not to make fast to unauthorised objects

18. No person shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

Access across decks

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

Lost anchor, cable or propeller

- 21.(1) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs shall cause it to be recovered as soon as practicable.
- (2) The master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

Requirements as to handling and movement of goods in the harbour

22. (1) No person shall place or allow to remain any goods, loose material or other articles or vehicles on or in the premises of the Trustees without the consent of the harbour master first obtained.
- (2) No person shall except with the permission of the harbour master deposit or place on any part of the harbour premises/dock estate any goods or park and vacate any vehicle specified in byelaw number 3 hereof, within 3 metres of the edge of the quay or within 2 metres of any building, wall or fence nor in such a position as to cover up or obstruct roads, bollards and mooring rings, fire hydrants, lighting towers, life buoys or the access thereto or so as to interfere in any way with the free use of the premises for the handling of goods or the free access of emergency vehicles.
- (3) The owner of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the harbour master otherwise agrees.
- (4) The owner of any goods shall comply with such directions as the harbour master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those from the harbour premises/dock estate.

Cargo handling gear to be removed from quays

23. Any person who is responsible for the loading or discharging of cargoes shall as soon as operations are concluded ensure that all gangways, shore planks, hooks, slings or other gear belonging to the stevedores are removed from the quays and any dunnage or spillage, straw or other loose materials are cleaned up to the satisfaction of the harbour master.

Precautions against goods, etc., falling into harbour waters or the Authority's premises

24. 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 into the water of the harbour or onto the premises of the Authority.

Obstruction or interference at harbour premises/dock estate

25. No person shall without lawful authority, use, work, move or interfere with any plant, machinery, equipment, or apparatus at the harbour premises/dock estate.

Safe driving of vehicles

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

Speed limit for vehicles

27. No person shall allow a vehicle to proceed anywhere in the harbour premises/dock estate at a speed greater than 15 miles per hour.

Supervision of vehicles

28. A person having charge of a vehicle in the harbour premises/dock estate shall at all times comply with any directions of the harbour master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the harbour master-
- (a) leave the vehicle unattended anywhere within the harbour premises/dock estate; or
 - (b) take it into any shed or working area.

Loads not to leak, spill or drop

29. Any person having charge of a vehicle in the harbour premises/dock estate shall not permit any substances to leak, spill or drop from the vehicle.

Loads to be secured

30. Any person having charge of a vehicle in the harbour premises/dock estate shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Refuelling, etc., of vehicles

31. No person shall within the harbour premises/dock estate charge or recharge any vehicle with, or empty it of, fuel except with the permission of the harbour master.

Driving on weighbridges

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

Accidents to be reported

33. Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises/dock estate whereby any 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 his name and address to the harbour master.

PART V – GENERAL

Inspection facilities, etc., to be made available to the harbour master

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

Navigation under the influence of drink or drugs prohibited

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

Vessels not to be fumigated without permission

36. The master of a vessel shall not cause or permit it to be fumigated without the prior permission of the harbour master.

Laying down moorings, buoys and other tackle

37. (1) No person shall lay down any mooring, buoy or similar tackle without a licence or prior consent in writing of the Authority/harbour master nor except in accordance with such conditions as the Authority/harbour master may impose.
- (2) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the harbour master so directs.

Dumping in harbour water prohibited

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

Drift or trawling nets not to obstruct vessels

39. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any

property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No dragging or grappling without permission

40. No person shall drag or grapple for any material or article nor remove the same from the bed of any water area of the harbour without the written consent of the harbour master.

Vessels to have names marked on them

41. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 to the Merchant Shipping Act 1988 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

Abandonment of vessels prohibited

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

Water skiing, aquaplaning, etc.

43. (1) No person shall engage or take part in water skiing or the use of jet skis, jet foils or aquaplaning except with the written permission of the Authority given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.
- (2) A master whilst using his vessel for the purposes of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier and shall carry –
- (a) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of Ship and Boat Builders' National Federation approved type, two hand held distress signals and a fire extinguisher;
 - (b) for each person water skiing or aquaplaning, a rescue quilt with line or other sufficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without prior written consent of the Authority given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

Assistance to fire and other services

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

Fire precautions

45. (1) No person shall smoke or use naked lights within the harbour except in those areas designated for this purpose by the harbour master.
- (2) No person shall make use of welding or burning equipment within the harbour for the purpose of effecting repairs or any other work on board vessels or on the harbour installations without the consent of the harbour master. Any person using such equipment shall take precaution to minimise the risk of fire therefrom.
- (3) The master of a vessel shall take reasonable precautions for the prevention of accidents by fire.

Animals

46. No person shall except with the consent of the harbour master ride, drive or entice any animal on to any part of the harbour nor, except in the course of removing it, have any animal under his charge or care thereon.

Obstruction of officers of the Authority

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

Meetings

48. Except with the consent of the harbour master, no person shall within the harbour premises/dock estate –
 - (a) take part in any general 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 Prohibited

49. No person shall engage by the way of trade, in buying or selling any goods or property in the harbour premises/dock estate without the written consent of the Authority.

Penalties

50. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the harbour master in the exercise of the powers conferred upon him by these byelaws shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 3 on the standard scale, in the case of byelaws 7, 10, 11, 12, 14, 21, 26, 27, 30, 33, 34, 35, 43 and 45, and to a fine not exceeding level 2 on the standard scale in the remaining byelaws.
- (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 an offence; and that other 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.
- (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.

Revocations

51. The Montrose Harbour Byelaws made 14th March 1979 are hereby revoked.

Given under the Common Seal of Montrose Harbour Trust

G.N.J. SMART (Chairman)

W.M. PHILLIPS (Vice Chairman)

Dated at Montrose this
19th day of March 1991

The Secretary of State for Transport hereby confirms the foregoing byelaws, and fixes the 4th day of July 1991 as the date when these byelaws shall come into operation.

Signed by authority of the Secretary of State for Transport this 6th day of June 1991.

M.W. JACKSON
An Assistant Secretary of the
Department of Transport

