

MILFORD HAVEN CONSERVANCY BOARD

MILFORD HAVEN HARBOUR

# BYE-LAWS

1984

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MILFORD HAVEN CONSERVANCY BOARD

HARBOUR

# BYE-LAWS

MADE BY THE MILFORD HAVEN CONSERVANCY BOARD FOR THE PROTECTION AND REGULATION OF NAVIGATION WITHIN THE LIMITS OF JURISDICTION OF THE CONSERVANCY BOARD AND FOR OTHER PURPOSES

The Milford Haven Conservancy Board in exercise of the powers and authority vested in them by the Milford Haven Conservancy Act 1983, and of every other power in that behalf vested in them do make the following Bye-laws :-

## PART I—PRELIMINARY

### CITATION AND COMMENCEMENT

1—These Bye-laws may be cited as the Milford Haven Conservancy (Harbour) Bye-laws, 1984 and shall come into operation on the expiration of twenty-eight days after the date of confirmation thereof by the Secretary of State.

### DIVISION INTO PARTS

2—These Bye-laws are divided into Parts as follows :-

- Part I—Preliminary.
- Part II—Lights, Day Marks and Signals.
- Part III—As to Harbourmaster.
- Part IV—Navigation.
- Part V—Mooring and Anchoring.
- Part VI—The Premises of the Board.
- Part VII—Miscellaneous.

### APPLICATION

3—These Bye-laws shall apply to all parts of the Haven the limits of jurisdiction of which are set forth in the Schedule

hereto, and to the premises of the Board as defined in Bye-law 4:

Provided that the application of Bye-law 38(b) shall not be limited to the Haven.

#### INTERPRETATION

4—In these Bye-laws, unless the context otherwise requires—

“the Board” means the Milford Haven Conservancy Board;

“by day” means between sunrise and sunset;

“by night” means between sunset and sunrise;

“the Collision Regulations” has the meaning assigned to that expression by section 418 of the Merchant Shipping Act 1894;

“the Harbourmaster” means such harbourmasters as the Board may appoint pursuant to paragraph 17 of Schedule 1 to the Milford Haven Conservancy Act 1983 and with respect to all acts authorised or required to be done by such harbourmasters shall include their deputies and assistants and any other person authorised in writing by the Board to assist them or to perform the duties of harbourmaster;

“length” and “breadth” in relation to a vessel mean her length overall and greatest breadth;

“master” in relation to any vessel means the master or other person for the time being having or taking charge or command of the vessel;

“mooring” includes any buoy, pile, post, chain, pillar, sinker or like apparatus or convenience used for the mooring of vessels;

“owner” in relation to any vessel includes any part-owner, any charterer (including but not limited to a charterer by demise) or any mortgagee in possession of the vessel and any agent or broker acting for or on behalf of any such owner, part-owner, charterer or mortgagee in possession:

Provided that the expression shall not be deemed to include—

(a) an agent or broker whose actions are limited to providing services for the vessel or its cargo only in ports in the United Kingdom; or

- (b) a charterer for a single voyage;
- “power-driven vessel” means any vessel propelled by machinery;
- “the premises of the Board” means the ferry terminal operated by the Board and shown coloured pink on the plan annexed to these Bye-laws and the base of operations of the Board shown coloured blue on the said plan;
- “prolonged blast” means a blast of from four to six seconds’ duration;
- “short blast” means a blast of about one second’s duration;
- “whistle” includes any efficient whistle, siren or horn;
- “underway” means that a vessel is not at anchor or made fast to the shore or aground;
- “vessel” includes —
  - (a) every description of vessel used in navigation however propelled; and
  - (b) any kind of rig or production platform which floats or is capable of floating; and
  - (c) any dracone or floating dock, crane or any floating plant; and
  - (d) a vessel, however propelled, designed to be supported on foils; and
  - (e) a hovercraft as defined in the Hovercraft Act 1968; and
  - (f) any aircraft which is not airborne;
- “visible” when applied to lights means visible on a dark night with a clear atmosphere.

#### REGULATIONS TO BE OBSERVED

5—The Master of every vessel in any part of the Haven shall observe and obey the Collision Regulations except as otherwise provided by these Bye-laws.

#### PART II—LIGHTS, DAY MARKS AND SIGNALS

##### POWER-DRIVEN VESSEL UNDER TOW

6—Notwithstanding the provisions of the Collision Regulations relating to vessels towing or pushing a power-driven vessel when being towed shall—

- (a) if under power, exhibit by night the lights prescribed by the Collision Regulations for power-driven vessels underway; and
- (b) if not under power, exhibit by day and by night the daymark and lights prescribed by the Collision Regulations for a vessel not under command.

#### ANCHORED VESSELS AND VESSELS AGROUND

7--(1) A vessel at anchor or moored shall exhibit the lights prescribed by the Collision Regulations for a vessel at anchor.

(2) A vessel aground shall exhibit the lights and shapes required by the Collision Regulations for a vessel aground.

(3) The Harbourmaster may from time to time give notice in writing that the provisions of this Bye-law shall not apply to vessels moored to such buoys permanently fixed as shall be specified by him in any such notice or that the provisions of this Bye-law shall not apply to a vessel 25 metres in length or such lesser length as he may prescribe in the notice, when at anchor or aground, in such part or parts of the Haven as he may prescribe in the notice.

#### SMALL VESSEL MOORED TO LARGER VESSEL EXEMPTED

8—A vessel of less than 50 metres in length, when alongside and attached to another vessel of greater length which is not under way, shall not (unless attached to such other vessel for the purpose of towing or manoeuvring) carry any of the marks or lights or give any of the signals prescribed by the Collision Regulations or these Bye-laws.

#### VESSELS TURNING TO SIGNIFY SAME ON WHISTLE

9—When a power-driven vessel underway is about to turn round, i.e. altering course more than 12 points (135°) the master shall signify the same by giving four short blasts in rapid succession on her whistle, followed after a short interval—

- (a) if the vessel is turning with her head to starboard by one short blast; and
- (b) if the vessel is turning with her head to port by two short blasts.

While the vessel is turning such signal shall be repeated to any approaching vessel, and an approaching vessel shall forthwith take action to avoid collision.



#### SOUND SIGNALS FOR VESSELS NOT UNDER COMMAND

10—If for any reason the master of a power-driven vessel or of a vessel not under command cannot perform his duty to give way to an approaching vessel, or if it is unsafe or impracticable for him to keep his vessel out of the way of a sailing vessel, the master shall signify the same by one prolonged blast followed by two short blasts on his vessel's whistle, and thereupon it shall be the duty of the master of the approaching vessel or sailing vessel to keep out of the way of such power-driven vessel.

#### WHISTLE SIGNALS TO BE USED BETWEEN TUG AND TOW

11—A power-driven vessel and any vessel being towed by it when signalling to each other by means of a whistle shall use the following signals and no others :-

- (a) Signals to or from towing vessel ahead:
  - Tow ahead—one prolonged blast followed by three short blasts.
  - Tow to port bow—one prolonged blast followed by two short blasts.
  - Tow to starboard bow—one prolonged blast followed by one short blast.
  - Cease tow—one prolonged blast followed by six short blasts in succession.
- (b) Signals to or from towing vessel astern:
  - Tow astern—three short blasts.
  - Tow to port quarter—two short blasts.
  - Tow to starboard quarter—one short blast.
  - Cease tow—six short blasts in succession.
- (c) Signals to all towing vessels:
  - Hold in position—one prolonged blast followed by one short blast followed by one prolonged blast followed by one short blast.
  - Let go—one prolonged blast followed by two short blasts followed by one prolonged blast.

#### PART III—AS TO HARBOURMASTER

##### POWERS OF HARBOURMASTER

12—(1) In accordance with the provisions of these Bye-laws or with respect to such matters otherwise falling within the



duty of the Milford Haven Conservancy Board under the Milford Haven Conservancy Act 1983, as may be specified in this Bye-law the Harbourmaster may give directions for regulating the use of the Haven, including the movement of vessels therein and the time, manner and condition in which vessels shall enter or leave the Haven or any installation therein, the speed of vessels within the Haven, and the laying down of moorings and anchoring, mooring, unmooring and placing of vessels in the Haven.

(2) In this Bye-law "the Haven" includes any particular part or parts of the Haven.

#### FURTHER POWERS OF HARBOURMASTER

13—The Harbourmaster may give directions for regulating—

(a) the loading and unloading of goods;

(b) the embarkation and disembarkation of passengers;

or

(c) the loading, removal and disposal of ballast,

within the Haven otherwise than at a dock or pier save where such dock or pier is owned or operated by the Board.

#### VESSELS ENTERING THE HAVEN

14—(1) The master or owner of a vessel which normally trades to sea shall on entering the Haven inform the Board's signal station of that vessel's arrival.

(2) The master or owner of a vessel which is in danger of foundering, or sinking, or is leaking, or which during the voyage in question has been in collision, has stranded, or has been on fire, or has suffered damage to her hull, machinery or equipment which might make the vessel a danger or a nuisance to other users of the Haven, shall where practicable inform the Harbourmaster of the circumstances before entering the Haven.

(3) A vessel exceeding 20 metres in length to which paragraph (2) of this Bye-law applies shall not enter the Haven unless the master has first obtained the permission of the Harbourmaster and such permission may be granted subject to conditions.

(4) If it appears to the Harbourmaster that any vessel is at any time in the condition mentioned in paragraph (2) of this Bye-law he may give directions that the vessel shall leave the Haven as soon as practicable without imperilling the vessel

or may give permission to remain in the Haven subject to such conditions as he may think fit.

#### VESSELS TO BE MOORED, ETC., AS DIRECTED AND NOT TO BE MOVED WITHOUT PERMISSION

15—(1) The master and crew of a vessel in the Haven shall moor, anchor, place, load, unload and move, and shall cease to moor, anchor, place, load, unload or move such vessel in accordance with directions from time to time given by the Harbourmaster.

(2) A person shall not move or attempt to move or cause a vessel to be moved from any berth or place contrary to the directions of the Harbourmaster or, in the case of a vessel exceeding 25 metres in length, without the permission of the Harbourmaster except in a case of emergency not covered by existing directions when it is not practicable to obtain further directions of the Harbourmaster.

#### MOORINGS

16—(1) A person shall not lay down or keep a mooring in the Haven without first obtaining the permission in writing of the Harbourmaster, and such permission may be granted subject to conditions. A mooring shall forthwith be removed if the Harbourmaster so directs.

(2) If the owner of a mooring within the Haven shall not comply with any direction of the Harbourmaster given pursuant to these Bye-laws or if there shall be no competent person on board the vessel to comply with any such direction, the Harbourmaster may on giving, where reasonably practicable, seven days' notice remove the mooring.

#### HARBOURMASTER'S POWERS ON DEFAULT

17—If the master of any vessel within the Haven shall not comply with any direction of the Harbourmaster given pursuant to these Bye-laws or if there shall be no competent person on board the vessel to comply with any such direction, the Harbourmaster may take such reasonable steps as he may think fit for the purpose of securing such compliance, including mooring, unmooring, anchoring, weighing anchor, placing and moving the vessel:

Provided that before the Harbourmaster shall take any steps to moor, unmoor or anchor a vessel, or to weigh anchor, or to place or move the vessel, he shall ensure that there is a

sufficient number of competent persons on board to attend the vessel during such operation.

#### PREVENTING OR REMOVING OBSTRUCTIONS

18—(1) A person shall not place or permit any obstruction or impediment within the Haven not authorised by or under any enactment and any such obstruction or impediment may be removed by the Board.

(2) The Harbourmaster may give directions with respect to such obstruction or impediment and as to the time and manner in which it shall be removed.

#### UNSERVICEABLE VESSELS TO BE REMOVED AND NOT DESTROYED

19—(1) A vessel shall not be laid by as unserviceable or permitted to lie neglected as unfit for navigation, set on fire, destroyed or broken up within the Haven without the permission in writing of the Harbourmaster and any such vessel may be removed, placed or disposed of by the Board.

(2) The Harbourmaster may give directions with respect to such vessel and as to the time, manner and condition in which it shall be removed, placed or disposed of.

### PART IV—NAVIGATION

#### VESSELS TO BE NAVIGATED WITH CARE

20—A vessel shall not be navigated or manoeuvred within the Haven in such a manner or at such a speed as will or may—

- (a) cause damage to any lock gate, sea wall, jetty or other property within the Haven;
- (b) cause damage, inconvenience or interruption to dredgers or other craft working within the Haven;
- (c) cause damage, danger or inconvenience to other users of the Haven.

#### VESSELS NAVIGATING AGAINST THE TIDAL STREAM TO GIVE WAY

21—Where a power-driven vessel is navigating against the tidal stream the master of the vessel shall, on approaching bends in the channel or congested areas of the Haven, slacken speed or stop his vessel so as to allow any vessel navigating with the tidal stream to pass clear of his vessel, except where that vessel

- (a) is restricted in her ability to manœuvre and is displaying the signals required by the Collision Regulations for such vessel, or
- (b) can safely navigate only within the channel.

#### AS TO FAIRWAY

22—(1) A vessel shall not cross the fairway at such a time or in such a manner as to cause danger or inconvenience to vessels passing up or down the Haven in that fairway.

(2) No vessel (whether sailing or power-driven) which is not confined to a channel by reason of its draught, shall make use of that channel in such a way as to cause obstruction to any other vessel (whether sailing or power-driven) which is confined to that channel by reason of its draught.

#### VESSELS NOT TO DRIFT

23—(1) A vessel shall not be allowed to drift in any part of the fairway of the Haven seawards of a straight line drawn from Jenkins Point to Williamston Pill:

Provided that it shall be a defence to proceedings for an offence against this paragraph of this Bye-law if it be proved that such drifting was not caused wilfully or by any neglect or default on the part of the master or of any member of the crew of the vessel.

(2) The master of a vessel drifting in any part of the fairway of the Haven seaward of the said line shall immediately take all reasonable steps to remove the vessel from the fairway.

#### RECOGNISED LANDING PLACE NOT TO BE OBSTRUCTED

24—A master shall not place his vessel or allow it to be in such a situation as to obstruct or interfere with the access to any recognised landing place in the Haven.

#### COLLISIONS TO BE REPORTED

25—The master of a vessel shall forthwith report to the Harbourmaster any collision in which the vessel is involved occurring in the Haven.

#### NOTICE TO BE GIVEN OF POSITION OF VESSEL SUNK IN HAVEN

26—(1) The master of a vessel which has sunk or has grounded or stranded in the Haven shall forthwith give to the Harbourmaster notice thereof and of the position of such

vessel and such particulars as may be required for the safety of navigation or protection of amenities.

(2) The master of a vessel which is attached to another vessel for the purpose of towing or manoeuvring the same shall be bound to give the notice required by this Bye-law in the event of such other vessel sinking or grounding or stranding.

#### UNAUTHORISED VESSELS NOT TO APPROACH PETROLEUM BERTHS

27—(1) Except with the permission of the Harbourmaster no vessel other than a petroleum ship, a vessel engaged in the mooring, unmooring and berthing operations of a petroleum ship or a vessel engaged in supplying or servicing a petroleum ship shall enter or navigate within 100 metres of a petroleum berth or a petroleum ship moored thereto.

(2) In this Bye-law—

“petroleum berth” means any berth, dock, pier, jetty, quay, wharf, mooring, offshore terminal, or other place at which petroleum ships lie or at which petroleum spirit is loaded into or discharged from a petroleum ship or transhipped between two petroleum ships;

“petroleum ship” means any ship having on board or about to take on board a cargo the whole or any part of which consists of petroleum spirit, or having discharged petroleum spirit if the ship has not been rendered free from flammable vapour to the satisfaction of the Harbourmaster;

“petroleum spirit” means such petroleum as when tested in the manner set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, gives off a flammable vapour at a temperature of less than 23° Celsius.

#### TOWING OF FLOATS OR RAFTS OF TIMBER

28—A person shall not tow or navigate a float, pontoon or raft of timber exceeding 50 metres in length or 10 metres in width within the Haven except with the permission of the Harbourmaster and in accordance with his directions.

#### WATER SKI-ING AND AQUA-PLANING

29—A person shall not without the permission of the

Harbourmaster engage or take part in water skiing or aquaplaning, para-kiting or any similar airborne or waterborne activities in the Haven except in such areas as the Harbourmaster may designate and in accordance with such reasonable conditions as he may impose.

#### NAVIGATING WHILST DRUNK

30—A person shall not navigate any vessel within the Haven whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

### PART V—MOORING AND ANCHORING

#### VESSEL TO MOOR AND BERTH SECURELY

31—A vessel berthed or moored within the Haven shall be securely made fast as close as is safe and practicable to some mooring buoy, wharf, pier, jetty stage or dolphin.

#### VESSEL NOT TO ANCHOR OR REMAIN IN SWINGING GROUNDS

32—A vessel shall not, without the permission of the Harbourmaster, be placed or remain in such a position as to obstruct or interfere with the turning of vessels in any areas set aside as swinging grounds.

#### VESSEL NOT TO ANCHOR IN VICINITY OF SUBMARINE CABLES

33—A vessel shall not anchor or moor within 65 metres of a submarine cable or submarine pipeline.

#### SEA-GOING VESSELS WHEN MOORED, BERTHED OR AT ANCHOR TO BE KEPT IN MOVABLE CONDITION AND COMPETENT PERSON TO BE LEFT IN CHARGE

34—(1) A vessel in the Haven which normally trades to sea shall at all times be kept in a movable condition, maintain sufficient power and have sufficient persons on board to carry out the orders of the Harbourmaster with reasonable despatch.

(2) The master of such vessel shall not absent himself from the vessel unless he leaves in charge thereof some person who shall continue in attendance on the vessel whilst it is afloat and is qualified and competent to shift or move the vessel and attend to the moorings of the vessel as the Harbourmaster directs or as may be necessary.

(3) Whilst such a vessel is moored fore and aft to permanent mooring buoys or moored to a berth, the moorings of the vessel and the sufficiency thereof shall be carefully attended and slacked off or hove in from time to time as may be necessary by reason of the rise or fall of tide or alteration of trim to prevent damage to that vessel or cause damage or inconvenience to other users of the Haven. Towing wires shall be provided of sufficient strength and at suitable positions to bow and quarter bollards with towing eyes maintained at water level.

(4) Whilst such a vessel is at anchor a continuous watch shall be kept on the communications equipment on those frequencies specified by the Harbourmaster.

(5) The Harbourmaster may from time to time determine that any of the foregoing paragraphs of this Bye-law shall not apply to a particular vessel or class or classes of vessel, or to a particular mooring or berth or category of moorings or berths. Such determination shall be subject to such reasonable conditions as the Harbourmaster may specify.

#### NOTIFICATION OF ANCHOR, CHAIN OR CABLE LEFT IN HAVEN

35—(1) The master of a vessel which has slipped, parted from or lost any anchor, chain or cable in the Haven shall forthwith give to the Harbourmaster notice thereof and of the position of such anchor, chain, cable and if the Harbourmaster so directs shall cause such anchor, chain or cable to be recovered as soon as practicable.

(2) The master of a vessel which has slipped or parted from her anchor shall mark the position of such anchor by means of a buoy.

#### FOULING OF MOORINGS OR CABLES

36—If at any time the anchor of a vessel fouls any moorings or electric or other cables within the Haven the master of the vessel shall forthwith give notice thereof to the Harbourmaster and shall if it is safe and practicable await his instructions before proceeding to clear the same.

#### DREDGING FOR LOST OBJECTS

37—A person shall not without the permission of the Harbourmaster dredge in the Haven with drags, hooks, nets or other apparatus for property dropped or thrown into the Haven.



#### INTERFERING WITH BUOYS, ETC. FORBIDDEN

38—No person shall without the permission of the Harbourmaster:-

- (a) enter into or upon, make fast to or interfere with, any navigational buoy, light, beacon, seamark or tide board within the Haven;
- (b) enter into or upon, or interfere with any work which has been constructed or is operated by the Board in the vicinity of the Haven for the purpose of maintaining, protecting or regulating the navigation in the Haven.

#### PART VI—THE PREMISES OF THE BOARD

##### INTERPRETATION IN PART VI

39—In this part of these Bye-laws, unless the context otherwise requires—

“goods” includes any wares, merchandise, articles and things of any description including fish, livestock and animals of all descriptions and oils, liquids and gases;

“owner” in relation to goods includes a consignor, consignee, shipper or agent for the sale, receipt, custody or loading of the goods.

##### OBSTRUCTION BY GOODS, PLANT, ETC.

40—(1) A person shall not except with the permission of the Harbourmaster, deposit, or place on any part of the premises of the Board any goods, plant or equipment, materials or rubbish, so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto.

(2) (a) If the Harbourmaster so directs, the owner of any goods, plant, equipment, materials or rubbish deposited or placed on any part of the premises of the Board in contravention of paragraph (1) of this Bye-law, shall remove the same from the premises of the Board.

(b) If the owner fails to comply with any direction of the Harbourmaster given pursuant to this paragraph, the Harbourmaster may remove, place or dispose of such goods, plant or equipment or materials or rubbish.

##### PROPERTY OF THE BOARD

41—A person shall not intentionally interfere with any plant,

machinery, equipment or apparatus on the premises of the Board.

#### OBSTRUCTION BY VEHICLES

42—(1) A person shall not without the permission of the Harbourmaster park or leave a vehicle—

- (a) in any place where it is likely to obstruct or interfere with the use of the premises of the Board, or
- (b) in any part of the premises of the Board where the parking of vehicles is prohibited and notice of such prohibition has been erected by the Harbourmaster.

(2) Any notice erected under paragraph (1) (b) of this Bye-law shall be conspicuously posted in or in proximity to the place to which it relates.

(3) (a) If the Harbourmaster so directs, the owner of any vehicle parked or left in contravention of paragraph (1) of this Bye-law, shall remove the same to the place where it does not contravene that paragraph.

(b) If the owner fails to comply with any direction of the Harbourmaster given pursuant to this paragraph, the Harbourmaster may remove the vehicle.

#### PROHIBITION ON MEETINGS, ETC.

43—Except with the permission of the Harbourmaster no person shall on the premises of the Board—

- (a) take part in any general or open meeting; or
- (b) deliver an address to an audience; or
- (c) gather or collect together any persons;

whereby work or business on the premises of the Board or the control, management or use of the premises of the Board is or is likely to be obstructed, impeded or hindered.

#### PROHIBITION ON BILLS, PLACARDS, ETC.

44—(1) Except with the permission of the Harbourmaster no person shall on the premises of the Board publicly exhibit any bill, placard or notice or distribute any leaflet, pamphlet or circular nor attach any such document to or write upon any part of the premises of the Board.

(2) (a) If the Harbourmaster so directs, the person responsible for the exhibition of any bill, placard or notice or the attachment of any leaflet, pamphlet or circular in contravention of paragraph (1) of this Bye-law shall remove the same from the premises of the Board.

(b) If a person fails to comply with any direction given to him by the Harbourmaster pursuant to this paragraph of this Bye-law, the Harbourmaster may remove and dispose of such bill, placard, notice, leaflet, pamphlet or circular.

#### BATHING PROHIBITED

45—Except with the permission of the Harbourmaster no person shall bathe in or from the premises of the Board.

#### CAREFUL DRIVING

46—The driver of a vehicle on the premises of the Board shall not—

- (a) drive the vehicle in an unsafe manner or at an unsafe speed;
- (b) drive the vehicle without due care and attention or without reasonable consideration for other persons using the premises of the Board.

#### DIRECTIONS AS TO LOADING, ETC.

47—The driver or other person having charge of a vehicle on the premises of the Board shall at all times comply with any directions of the Harbourmaster with respect to the loading, discharging, manoeuvring and removal thereof.

#### ACCIDENTS TO BE REPORTED

48—The driver of any vehicle involved in an accident on the premises of the Board whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and shall report the accident to the Harbourmaster and shall give his name and address to the Harbourmaster.

### PART VII—MISCELLANEOUS

#### LIMITATION ON USE OF EXPLOSIVES

49—A person shall not use explosives in the Haven except with the permission of the Harbourmaster and in compliance with any conditions laid down by the Harbourmaster.

#### NOTIFYING RADIOACTIVE CARGOES

50—A vessel with a cargo containing any radioactive matter

that is not declared as exempt in the transport documents shall not enter or leave the Haven unless the master or owner shall previously have obtained the permission in writing of the Harbourmaster:

Provided that this Bye-law shall not apply to vessels carrying cargoes consigned to or being taken from the Dockyard Port of Pembroke.

#### RUBBISH, OIL, ETC., NOT TO BE THROWN INTO HAVEN

51—A person shall not without the consent of the Harbourmaster:—

- (a) deposit, throw, pour or pump, or
- (b) permit to be deposited, thrown, poured or pumped, or
- (c) intentionally or recklessly allow to escape, into the Haven any oil, dirt, ballast, fuel, ashes, refuse or rubbish or any dangerous or offensive matter:

Provided that the provisions of this Bye-law shall not apply to—

- (i) the discharge or escape of any substance the discharge or escape of which is subject to the provisions of the Prevention of Oil Pollution Act 1971 or the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983, or
- (ii) the discharge or escape of oil from any vessel which by virtue of the said Act of 1971 or the said Regulations of 1983 is exempt from any provisions of the said Act.

#### NO WIRES, ETC., TO BE JETTISONED

52—A person shall not jettison any wires, chains or ship's fittings into the Haven.

#### NOTIFICATION OF OUTBREAK OF FIRE

53—In case of an outbreak of fire on board a vessel within the Haven the master of the vessel shall take immediate action with the ship's fire-fighting equipment and ensure that the Fire Brigade and the Harbourmaster shall be notified at the earliest possible moment and also give warning by the continuous sounding of the ship's whistle.

#### LAUNCHING OF VESSELS

54—(1) A shipbuilder or other person intending to launch a vessel exceeding 25 metres in length into the Haven shall at

least three days before the date fixed for the launch give to the Harbourmaster notice in writing of the place, day and hour of the proposed launch.

(2) A person shall not launch a vessel into the Haven except in accordance with the directions of the Harbourmaster.

#### CONDUCT OF REGATTAS, ETC.

55—The organiser of any boat race, regatta or any other occasion when a number of vessels is expected to assemble on the waters of the Haven shall give not less than seven days' notice thereof to the Harbourmaster.

All races and similar events shall be conducted on courses and at times previously approved by the Harbourmaster.

#### ACTS AFFECTING SAFETY OF NAVIGATION

56—A person shall not do any act or thing injuriously affecting the safety of navigation within the Haven.

#### OBSTRUCTION OF BOARD'S OFFICERS, ETC.

57—A person shall not in any way resist or intentionally obstruct or impede any officer or servant of the Board in the execution of his duty or employment or disobey his lawful orders.

#### PENALTY FOR BREACH OF BYE-LAWS

58—(1) Any person doing anything prohibited by or by virtue of any of these Bye-laws or omitting to do anything required by or by virtue of them to be done or otherwise offending against or committing a breach of any of these Bye-laws shall be liable for every such offence to a fine recoverable on summary conviction not exceeding £1,000 and in the case of a continuing offence to a further fine so recoverable not exceeding £50 for each day during which the offence continues after conviction thereof.

(2) Whenever in these Bye-laws reference is made to the granting of permission subject to conditions, then the failure to comply with any such condition shall be deemed to be a breach of the Bye-law by virtue of which the condition was imposed.

(3) Without prejudice to the generality of paragraph (1) of this Bye-law, in relation to a vessel the master of a vessel shall be responsible for complying with Bye-laws 5 to 11, 15, 20 to 27, 31 to 33, 35, 36 and 50 to 53 and any directions given thereunder.

#### DEFENCES AND ANCILLARY PROVISIONS

59—(1) 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 a 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.

(2) In any proceedings for an offence under these Bye-laws, it shall be a defence for the person 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.

(3) If in any case the defence provided by paragraph (2) (a) of this Bye-law 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.

#### CROWN RIGHTS

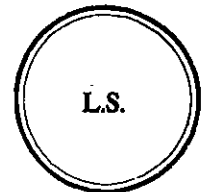
60—Nothing contained in any of these Bye-laws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owners of the foreshore and seabed below High Water Mark of any estate or interest in, or right over such foreshore, seabed or any part thereof, nor shall anything contained in or done under any of the provisions of these Bye-laws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore or seabed.

#### REVOCATION OF BYE-LAWS

61—The Milford Haven Conservancy (Harbour) Bye-laws, 1973, are hereby revoked.

Given under the Common Seal  
of the Milford Haven Conservancy Board this 18th day of  
May, 1984.

RAYMOND CORY  
Chairman.  
R. C. LIVESEY  
General Manager and Secretary.



The Secretary of State hereby confirms the foregoing Bye-laws.

Signed by Authority of the Secretary of State

J. R. FELLO

An Assistant Secretary in the Department of Transport this  
23rd day of October 1984.

### THE SCHEDULE

#### THE PARTS OF MILFORD HAVEN WITHIN WHICH THESE BYE-LAWS APPLY

The area bounded by:—

- (a) an imaginary line commencing at the western extremity of Studdock Point and drawn in a south-easterly direction to the point of intersection of latitude  $51^{\circ} 36' 15''$  N. with longitude  $05^{\circ} 03' 00''$  W., thence in a westerly direction to the point of intersection of latitude  $51^{\circ} 36' 15''$  N. with longitude  $05^{\circ} 16' 00''$  W., thence in a northerly direction to the point of intersection of latitude  $51^{\circ} 40' 48''$  N. with longitude  $05^{\circ} 16' 00''$  W. and thence in an easterly direction to the south-western extremity of St. Anne's Head; and
- (b) the level of high water on the shores of Milford Haven and the approaches thereto within the line aforesaid, including all bays, creeks, pools, inlets and rivers as far as the tide flows other than a creek, pool or inlet into which the tide flows only through a culvert or pipe and other than a dock which is normally tidally enclosed;

but not including any waters which are not for the time being within the territorial waters of Her Majesty's dominions.



## NOTES

(These notes do not form part of the Bye-laws)

### (1) Application of these Bye-laws

(a) Section 17 of the Milford Haven Conservancy Act 1983 provides that the Bye-laws made by the Board under section 16 of that Act shall (except so far as the Bye-laws may otherwise expressly provide) extend and apply and may be enforced within prescribed limits of any undertaker and that if there should be any conflict between directions given by the pier master of any undertaker and directions lawfully given by the Harbourmaster of the Board, the directions given by the Harbourmaster shall prevail.

(b) The expression "undertaker" is defined in section 2 of the Act of 1983 as meaning "the undertaker of any harbour, dock or pier undertaking carried out wholly or partly within the Haven by any person other than the Board in whom are vested, under any enactment, powers or duties of improving, maintaining or managing a harbour, dock or pier undertaking".

(c) In the case of any conflict between any directions given by the Milford Haven Conservancy Board or by the Board's Harbourmaster or by any other person acting with the authority of the Board in the purported exercise of any powers within the Dockyard Port pursuant to any Bye-laws made under the Milford Haven Conservancy Act 1983 and any directions lawfully given by the Queen's Harbourmaster the directions of the Queen's Harbourmaster shall prevail.

### (2) Failure to comply with Directions of Harbourmaster

Section 23 of the Milford Haven Conservancy Act 1983, provides as follows:—

"Any person who fails to comply with any direction lawfully given by the Harbourmaster under this Act or any Bye-law made by the Board shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale."

### (3) Damage to Property

In addition to any liability under these Bye-laws, it is an offence under the Criminal Damage Act, 1971, for any person without lawful excuse to destroy or damage any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

(4) Oil in Navigable Waters

Under the Prevention of Oil Pollution Act, 1971 and the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983, it is an offence to discharge any oil, or mixture containing oil, or to allow it to escape into certain areas including the whole of the limits of jurisdiction of the Board and areas seaward of those limits.

(5) Petroleum Bye-laws

In addition to the Harbour Bye-laws the Board have made Bye-laws under the Petroleum (Consolidation) Act, 1928, with respect to ships loading and carrying petroleum spirit in Milford Haven.

(6) Explosives Bye-laws

In addition to the Harbour Bye-laws the Board have made Bye-laws under the Explosives Act, 1875, with respect to the conveyance, loading and unloading of explosives in Milford Haven.

(7) Definitions applied to these Bye-laws

By virtue of section 11 of the Interpretation Act 1978 expressions which are defined in the Milford Haven Conservancy Act 1983 but which are not defined in these Bye-laws have the same meanings in the Bye-laws as they have in the Act of 1983.

## NOTICE

Any person who finds anything adrift or loose in the Haven, and likely to impede or obstruct navigation, should immediately report the facts to the Conservancy Board signal station.

MILFORD HAVEN PORT AUTHORITY  
**HARBOUR BYE-LAWS**

MADE BY THE MILFORD HAVEN PORT AUTHORITY FOR THE PROTECTION AND REGULATION OF NAVIGATION WITHIN THE LIMITS OF JURISDICTION OF THE PORT AUTHORITY AND FOR FOR OTHER PURPOSES.

The Milford Haven Port Authority in exercise of the powers and authority vested in them by the Milford Haven Conservancy Act 1983, and of every other power in that behalf vested in them do make the following Bye-laws:-

**COMMENCEMENT**

1-These Bye-laws shall come into operation on the expiration of twenty-eight days after the date of confirmation thereof by the Secretary of State.

**CITATION**

2-These Bye-laws may be cited as the Milford Haven Harbour Bye-laws 1987.

**HARBOURMASTER'S DIRECTIONS**

3-(1) The harbourmaster may give all or any of the directions mentioned in paragraph (2) of this Bye-law in connection with a vessel if it appears to the harbourmaster that it is discharging oil into the Haven or if it appears to the harbourmaster that such directions are reasonably necessary to prevent or reduce the discharge of oil, or to reduce the grave and imminent risk of discharge of oil, into the Haven from that vessel.

(2) The directions which the harbourmaster may give under this bye-law are:-

(a) to the master of a vessel, that any oil in the vessel is to be transferred into another vessel in the Haven, or is to be, or is not to be, transferred within the vessel;

(b) to the master of a vessel from which oil is being or has been unloaded to another vessel that he shall arrange for the reloading, from that other vessel into the vessel of which he is master, of the oil which has been unloaded.

and the transfer or unloading or reloading of oil shall be carried out in a manner approved by the harbourmaster and not otherwise.

**APPLICATION OF BOARD'S BYE-LAWS**

4-The Milford Haven Conservancy Board (Harbour) Bye-laws 1984, including bye-law 59 of those Bye-laws shall apply to these Bye-laws as if they were incorporated within those Bye-laws and as if Bye-law 3 of these Bye-laws were mentioned in Bye-law 58(3) of those Bye-laws.

Given under the Common Seal of  
the Milford Haven Port Authority  
this 20th day of November 1987.

RAYMOND CORY

Chairman

M. J. HYSLOP

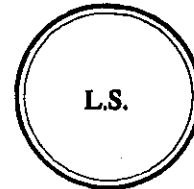
Secretary

The Secretary of State hereby confirms the foregoing Bye-laws.

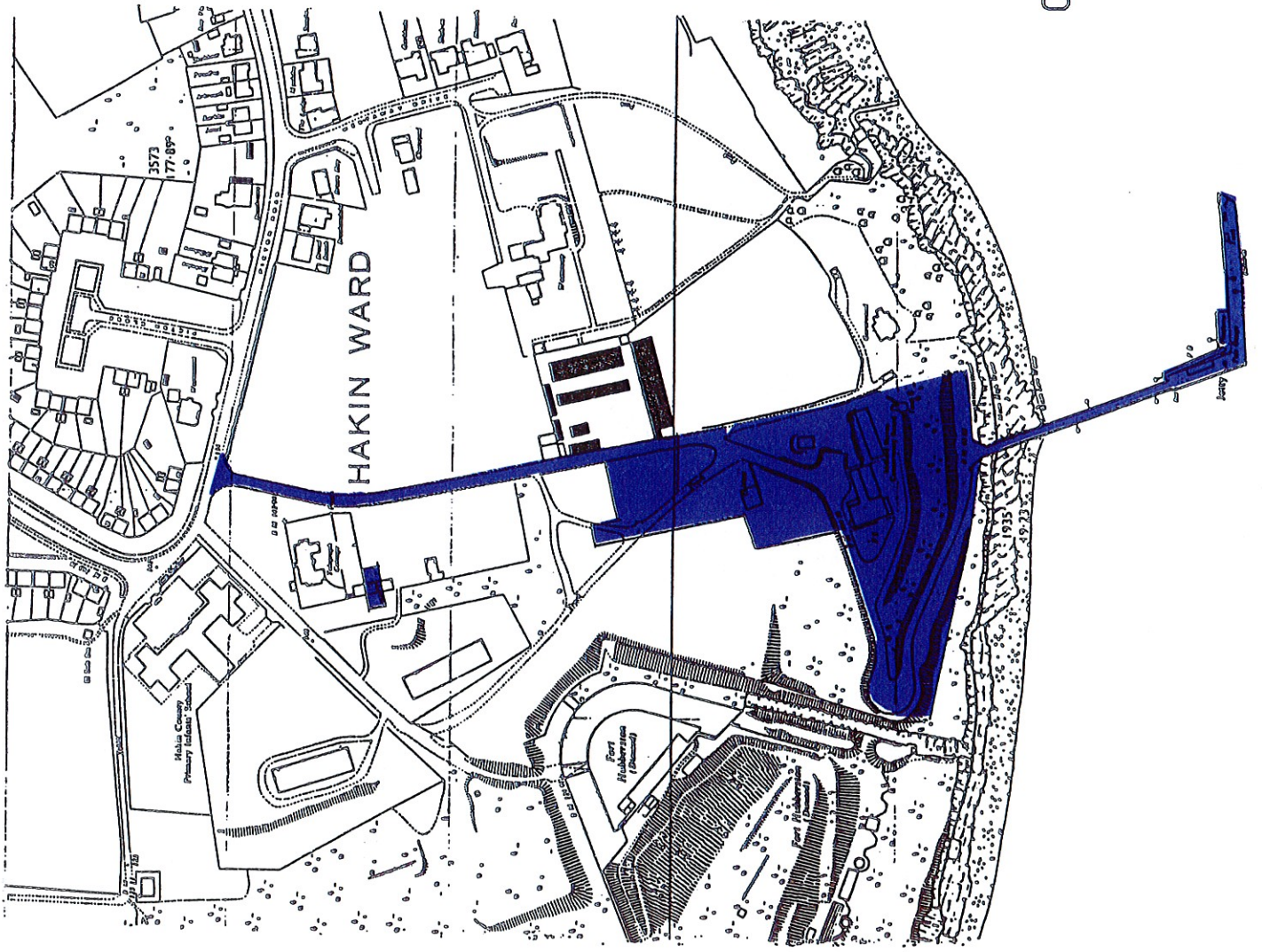
Signed by the Authority of the Secretary of State

J. R. FELLOWS

An Assistant Secretary in the Department of Transport this 21st day of  
January, 1988.







CONSERVANCY BOARD  
OFFICES & SIGNAL STATION

Base of Operations