

GREAT YARMOUTH PORT AUTHORITY

GREAT YARMOUTH PORT AUTHORITY GENERAL BYELAWS 1995

The Great Yarmouth Port Authority, in exercise of the powers conferred by section 83 of the Harbours, Docks and Pier Clauses Act 1847, section 95 of the Great Yarmouth Port and Haven Act 1866, section 11 of the Great Yarmouth Port and Haven Act 1907, section 13 of the Great Yarmouth Port and Haven Act 1948 and section 12 of the Great Yarmouth Port and Haven Act 1963, as amended by article 7 of the Great Yarmouth Port and Haven Revision Order 1975, and of all other powers them enabling, hereby make the following byelaws.

PART I - PRELIMINARY

1. These byelaws may be cited as the Great Yarmouth Port Authority General Byelaws 1995 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

Application

2. These byelaws shall apply to the port area, the extent of which is set forth in Schedule I hereto, and to the port premises as defined in Byelaw 3 hereof.

Interpretation

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

‘authorised employee’	means any person acting in the execution of his duty as an officer or employee of the Authority;
‘the Authority’	means the Great Yarmouth Port Authority as defined by article 2 of the Great Yarmouth Port Authority Harbour Revision Order 1989;
‘cycle’	means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a mechanically propelled vehicle;
‘dangerous substances’	means any substance or article defined in the Dangerous Substances in Harbour Areas Regulations 1987 or any subsequent amendments thereof;
‘goods’	means all wares, merchandise, articles or things of every description and includes containers, trailers and flats, fish, livestock, waste and animals of all description;
‘Harbour Master’	means the person appointed as Harbour Master by the Authority for the time being pursuant to section 51 of the Harbours, Docks and Pier Clauses Act 1847 and sections 3 and 54 of the Great Yarmouth Port and Haven Act 1866 and includes such deputies as may be appointed by the Authority pursuant to section 54 of the Act of 1866 and such assistants or other persons so authorised by the Authority to act in that capacity;

‘harbour operations’	has the meaning given by section 57(1) of the Harbours Act 1964;
‘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;
‘machinery’	includes any mechanical plant, equipment or appliance, but excludes any vehicle;
‘master’	when used in relation to any vessel, means any person having the command, charge or management of the vessel for the time being;
‘owner’	when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and his agent in relation thereto;
‘owner’	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;
‘owner’	when used in relation to a vehicle, includes any part-owner or agent or person having charge of the vehicle for the time being;
‘passenger’	means any person carried in a vessel under a contract of carriage or any person accompanying a vehicle covered by a contract for the carriage of goods;
‘the port area’	means the port area of the port of Great Yarmouth as defined in Schedule I hereto;
‘the port premises’	means the docks, quays, jetties, stages and all other works, land and buildings for the time being owned by, or vested in, or occupied, administered, managed or controlled by, the Authority and includes any property under lease, tenancy or licence to or from the Authority;
‘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 and shall include all erections, buildings, plant, machinery and works, whether attached thereto or floating;
‘vehicle’	includes any vehicle propelled on rails, any machinery on wheels or 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 - HARBOUR OPERATIONS

Safety Barriers

4. For any harbour operations conducted on the port premises, the person or persons having control of the operations shall ensure that any open working areas are enclosed with barriers and that appropriate warning notices are provided.

Heavy Lifts

5. No operation to handle a single load which weighs more than 40 tonnes shall be conducted on the port premises without specific permission, in advance, from the Harbour Master or an authorised employee.

Crane Operations

6. Any person or company operating a crane on the port premises shall:
 - (a) ensure in advance that the quayside ground is suitable for a crane to stand upon it;
 - (b) comply with the Authority's requirements for the placing of crane outriggers;
 - (c) comply with any other direction by an authorised employee as to the positioning of a crane at the quayside; and
 - (d) comply with quay-loading limitations, as laid down from time to time by the Authority.

PART III - GOODS

Loading, Unloading and Movement Of Goods

7.
 - (1) The owner of any goods unloaded or to be loaded at the port premises shall ensure that the goods are removed therefrom either immediately or as soon as practicable and, in any case, within 48 hours unless otherwise agreed with the Authority.
 - (2) The owner of any goods shall comply with the directions of the Authority or of an authorised employee, for regulating the time, place and manner of loading, unloading or otherwise handling those goods at or on the port premises, or of bringing them into or removing them from the port premises, and any such employee shall be empowered to stop any such operation which is considered to be conducted in an unsafe manner, or likely to obstruct or impede the safe conduct of any other operation.
 - (3) Without prejudice to byelaw 40, if any goods are placed on the port premises in contravention of this byelaw, the Authority may remove them at the risk of the owner and the cost so incurred may be recovered by the Authority from the owner as a debt in any court of competent jurisdiction.

Precautions against Goods, Etc., Falling into Water or on to the Port Premises

8. (1) The master of a vessel and any person undertaking the loading of goods to, or the unloading of goods from, a vessel shall:
 - (a) use or cause to be used such methods as the Harbour Master or other authorised employee may direct for the prevention of any goods, dunnage, ballast, other materials or waste from falling or escaping into the waters of the port area or on to the port premises; and
 - (b) whether or not so directed, be responsible for the recovery of any goods, dunnage, ballast, other materials or waste which fall or escape.
- (2) Without prejudice to byelaw 40, if any such goods, dunnage, ballast, other materials or waste are not so recovered in accordance with this byelaw, the Authority may recover them and the cost so incurred may be recovered by the Authority from the master or the person undertaking the loading or unloading as a debt in any court of competent jurisdiction.

Obstruction of the Port Premises or Operations

9. (1) No person shall, except with the permission of the Harbour Master or other authorised employee, deposit or place any goods, or park any vehicle on any part of the port premises so as to obstruct, impede or endanger any operation or so as to obstruct any road, building, mooring place, plant, machinery, equipment or apparatus, or the access thereto.
- (2) Any person acting in contravention of this byelaw shall, on the instructions of the Harbour Master or an authorised employee, immediately remove the obstruction from the port premises.
- (3) No person shall, without lawful authority, use, work, move, obstruct, tamper with or remove any plant, machinery, equipment or apparatus on the port premises.

PART IV - PASSENGERS AND VEHICLES

Embarkation and Disembarkation

10. (1) A person having responsibility for the conduct of any sea-going passenger operation shall comply with the requirements of the Authority, for regulating the time, place and manner of embarkation, and disembarkation of passengers and vehicles.
- (2) Passengers shall comply with the directions of the Authority, or of an authorised employee, for regulating the time, place and manner of embarkation and disembarkation.

PART V - PORT PREMISES

Entry to the Port Premises

11. (1) No person shall enter on to any part of the port premises except:
 - (a) persons entitled to do so for the purposes of or in connection with harbour operations or port-related activities; or
 - (b) the owner or occupier of that part, or any person having control for the time being of that part, or any person permitted to be there by such owner, occupier or person having control as aforesaid; or
 - (c) an officer employed by H.M. Customs & Excise or an inspector employed by the Health & Safety Executive.
- (2) Without prejudice to the provisions of paragraph (1) of this byelaw, any person entering, or remaining on, the port premises without having proper business thereon shall depart immediately on being requested to do so by an authorised employee.
- (3) Subject to this byelaw and to section 3(3) of the Great Yarmouth Port Authority Act 1990, every person requiring entry to the port premises shall obtain a pass from the Authority.
- (4) A pass issued by the Authority shall be subject to such terms and conditions, and for such period, as the Authority thinks fit.
- (5) The Authority may, at its discretion, decline to issue, or revoke, a pass.
- (6) Any person in possession of a pass shall carry it at all times while on the port premises and shall be required to produce it, on demand, to any authorised employee.
- (7) This byelaw shall not apply to:
 - (a) any statutory undertaker or any person authorised by any such statutory undertaker to enter any part of the port premises in connection with any statutory function of that undertaker; or
 - (b) any constable or member of the fire brigade or ambulance service or person employed by the coastguard service or Trinity House acting in the execution of their duty.

Meetings

12. (1) Except with the permission of the Harbour Master or other authorised employee, no person shall within the port premises take part in any general meeting or gather together with other persons or deliver any address to an audience, or gather together any persons, whereby work or business at the port premises, or the control, management or use of the port area is, or is likely to be, obstructed, impeded or hindered.
- (2) This byelaw shall not apply to any meeting held for the purposes of, or in connection with requirements under, the Health and Safety at Work etc. Act 1974 or any regulations made under that Act.

Unauthorised Trading Prohibited

13. No person shall engage, by way of trade, in buying or selling any goods or property or distribute advertising material on the port premises or in the port area without the permission of the Authority.

North and South Piers

14. (1) No person shall operate any vehicle or cycle at any time on the North Pier or on any part of the South Pier not used as a public car park.
(2) This byelaw shall not apply to the use of vehicles in connection with the inspection, maintenance or repair of the North or South Piers or the use of any vehicle for which permission has been obtained, in advance, from the Authority.
15. No person shall play ball games or roller-skate or use a skate-board on any part of the North or South Piers.
16. No person shall enter or climb on to the Spur Breakwater except in connection with the inspection, maintenance or repair thereof or with the permission of the Authority.
17. No person shall dive or jump from the North or South Piers or otherwise bathe in the waters around those structures within the area marked on the plan in Schedule II hereto.

PART VI - OPERATION OF VEHICLES AND MACHINERY

Safe Driving of Vehicles

18. No person shall drive or otherwise operate any vehicle or machinery on the port premises without due care and attention or without reasonable consideration for other persons using the port premises.

Speed Limit for Vehicles

19. (1) No person shall allow a vehicle to proceed on any part of the port premises at a speed greater than:
 - (a) twenty miles per hour; or
 - (b) such lower speed as may be designated by the Authority for that part by a notice exhibited in a conspicuous position.(2) This byelaw shall not apply to emergency vehicles or personnel of a fire, police or ambulance authority when attending an emergency.

Loads to be Secured

20. The owner, driver or other person having charge of a vehicle on the port premises shall ensure that any load carried thereon or therein is adequately supported and secured where appropriate and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Loads not to Leak, Spill or Drop

21. (1) The owner, driver or other person having charge of a vehicle shall not permit any substance being carried to leak, spill or drop from the vehicle on to the port premises and, in the event of any contravention of this byelaw, shall immediately report the incident to the Harbour Master and shall be responsible for the removal and cleansing of any such substance.
- (2) Without prejudice to byelaw 40, in the event that any substance is not removed and cleansed in accordance with paragraph (1) of this byelaw, the Authority may carry out the removal and cleansing and the cost so incurred may be recovered by the Authority from the owner, driver or other person having charge of the vehicle as a debt in any court of competent jurisdiction.

Compulsory Weighing

22. The operator of any vehicle being driven on the port premises (whether loaded or unloaded) shall, if required by the Harbour Master or other authorised employee, submit the vehicle for compulsory weighing at the Authority's weighbridge and shall pay the cost for such weighing.

Refuelling, Etc., of Vehicles

23. No person shall within the port premises charge or recharge any vehicle with, or empty it of, fuel or oil except with the permission of the Harbour Master or other authorised employee or except at a place designated by the Authority for that purpose.

Driving on Weighbridge

24. No person shall drive or otherwise operate a vehicle across any weighbridge on the port premises except for the purposes of weighing the vehicle.

Prohibition of Vehicles

25. No person shall drive or otherwise operate a vehicle having an engine that is powered by petrol or gas or electricity on any part of the port premises during the use of that part for the loading, unloading or storage of dangerous substances which may give rise to the risk of fire or explosion.

Supervision and Control of Vehicles and Machinery

26. (1) A person having charge of a vehicle on the port premises shall at all times comply with any directions of the Harbour Master or other authorised employee with respect to the loading, unloading, manoeuvring and removal thereof, and shall not, without the permission of the Authority:
- (a) leave the vehicle unattended anywhere within the port premises; or
 - (b) take it into any shed or working area.
- (2) Any person operating any vehicle or machinery on the port premises in contravention of these byelaws shall, on the instructions of the Harbour Master or an authorised employee, immediately cease the operation and remove the vehicle or machinery from the port premises.
- (3) Without prejudice to byelaw 40, in the event that any vehicle or machinery is operated or parked on the port premises in contravention of these byelaws, the Authority may remove it at the risk of the owner and the cost so incurred may be recovered by the Authority from the owner as a debt in any court of competent jurisdiction.

Accidents to be Reported

27. Any person driving or otherwise operating any vehicle or machinery involved in an accident on the port premises whereby any injury is caused to any person, or any damage is caused to any property, shall stop the vehicle or machinery and immediately report the accident, and give his name and address, to the Harbour Master or other authorised employee.

PART VII - GENERAL

Interference with Navigation

28. (1) No person shall without lawful excuse, in the port area or on the port premises, display, place, move, remove or obstruct any light, fog signal, buoy, radar reflector or other object used as an aid to navigation.
- (2) No person shall display within the port area or on the port premises any light or other object in such a way as shall tend to mislead vessels or endanger navigation.

Inspection Facilities and Assistance to be made available to Harbour Master

29. 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 or other authorised employee access to any part of the vessel and provide reasonable facilities for its inspection and examination or, where necessary, for dealing with, alleviating or preventing any emergency.

Hot Work and Use of Welding and Burning Equipment

30. (1) In this byelaw 'hot work' means the use of open fires or flames and work involving the application or generation of heat by means of tools or equipment.
- (2) No person may carry out hot work, or otherwise without reasonable excuse burn or heat any flammable matter, or have or permit any fire or naked light, on the port premises or in the port area, except with the written permission of the Authority and in accordance with the requirements of this byelaw.
- (3) Where any hot work operation, including the use of hot rivets, welding or burning equipment or any other potential source of ignition, is undertaken the operator and his employer shall ensure:
- (a) that the requisite permission for the work has been obtained prior to commencement;
 - (b) that all necessary precautions are taken to prevent fire or explosion and to avoid injury, including the removal of flammable materials from the area;
 - (c) that all sources of heat are removed or extinguished at the conclusion of the operation.
- (4) No tanks, containers or other facilities used for storage or transportation of flammable materials shall be repaired with hot rivets, welding or burning equipment until the operator of such equipment has ensured that such facilities have been rendered safe for making the repairs.
- (5) Any operator of any hot rivet, welding or burning equipment and his employer shall ensure:
- (a) that all necessary precautions are taken at all times to prevent fire or explosion from such equipment;
 - (b) that every compressor or generator used in connection therewith shall be placed securely; and
 - (c) that suitable fire-extinguishing equipment ready for instant use in case of fire shall be placed near each such unit.

Prohibition of Smoking

31. No person shall smoke or carry a lighted pipe, cigar or cigarette on the port premises:
- (a) where smoking is expressly prohibited by the Authority by a notice exhibited in a conspicuous position; or
 - (b) near to or amongst any dangerous substances on the port premises; or
 - (c) if otherwise requested not to do so by an authorised employee.

Assistance to Fire and Other Services

32. The master or owner 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 any emergency or whilst otherwise executing their statutory functions.

Fire Precautions

33. All reasonable precautions for the prevention of accidents by fire shall be taken by:
- (a) the master or owner of any vessel while in the port area;
 - (b) the owner or occupier of any building on the port premises; and
 - (c) the owner or operator of any vehicle, machinery or plant while on the port premises.

Signs and Notices

34. (1) No person shall remove any Authority mark, printed or written notice, direction, sign or device, byelaw or regulation which is posted, attached or affixed to or on any property on the port premises.
(2) No person, except in the exercise of a statutory right, shall place or erect on the port premises without the written permission of the Authority any poster, advertisement sign or device.

Life-Saving Apparatus

35. No person shall, without lawful authority, use, move, obstruct, tamper with or remove any life-saving apparatus provided for use in the port area or on the port premises.

Obstruction of Employees of the Authority

36. No person shall intentionally obstruct any authorised employee in the execution of his duties.

Furnishing of Names and Addresses

37. Any person who is reasonably suspected of committing or who has committed any offence against these byelaws shall give his name and address to any authorised employee when requested to do so.

Inspection of Bags, Parcels, Etc.

38. No person shall without reasonable excuse refuse to produce for inspection, at the request of the Authority or an authorised employee, the contents of any article, bag, case, parcel, box or container of any kind in his possession on the port premises.

Production of Documents

39. No person shall without reasonable excuse refuse to produce for inspection, at the request of the Authority or an authorised employee, any document in his possession relating to goods on the port premises.

Penalties

40. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed by the Authority, the Harbour Master or other authorised employee in the exercise of the powers conferred upon them or him or such employee by these byelaws, shall be guilty of an offence and be liable, on conviction before a summary court of jurisdiction:
- (a) in the case of an offence against byelaws 11, 12, 13, 14, 15, 22, 27, 37, 38 or 39 to a fine not exceeding level 2 of the standard scale; and
 - (b) in the case of an offence against any other byelaw, to a fine not exceeding level 3 of the standard scale.

(2) Where the commission by any person of an offence under these byelaws is due to the act or default of some other person, that other person shall in addition 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 a reasonable excuse for his act or failure to act.

(4) If, in any case, the defence provided by paragraph 3(a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person 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.

(5) The institution of any proceedings under these byelaws shall be without prejudice to the recovery of damages or to the prosecution and enforcement of any other civil remedy in respect of any act or omission which is in contravention of these byelaws.

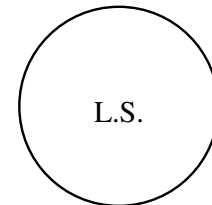
Revocation

41. With effect from the coming into operation of these byelaws, Byelaws 28, 29 and 30 of the Great Yarmouth Port and Haven Byelaws 1965 are hereby revoked.

The Common Seal of the Great Yarmouth Port Authority
was hereunto affixed on the 14th December 1995
in the presence of

J. B. Mowson (Chairman)

M. C. M. Boon (Chief Executive and Clerk)



The Secretary of State hereby confirms the foregoing byelaws with modifications.

Signed on behalf of the Secretary of State for Transport on the 18th day of July 1996

J. D. Henes

An Under Secretary in the Department of Transport

SCHEDULE I

Port Area

In these byelaws, the port area means:

That part of the Port of Great Yarmouth enclosed by:

- (a) a notional line drawn across the Harbour's Mouth from the most easterly point of the South Pier to the most easterly point of the North Pier;
- (b) a notional line drawn across the River Bure, between grid references TG 5190 1009 and TG 5193 1012 (being a boundary of the jurisdiction of the Authority);
- (c) a notional line drawn across the River Yare, between grid references TG 4700 0511 and TG 4696 0520 (being a boundary of the jurisdiction of the Authority); and
- (d) a notional line drawn across the River Waveney, between grid references TG 4722 0379 and TG 4725 0375 (being a boundary of the jurisdiction of the Authority).

SCHEDULE II

North and South Piers - Prohibition of Bathing (Byelaw 17)

The prohibition in Byelaw 17 applies to the area of sea which is not marked with cross-hatchings on the plan below

