



# Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

*Harbour, dock, and pier master*

And with respect to the appointment of harbour masters, dock masters, and pier masters, and their duties, be it enacted as follows:

## **51 Appointment of harbour, dock, or pier master.**

The undertakers may appoint such harbour masters as they think necessary, (including in such expression dock masters and pier masters, as herein-before defined,) and from time to time, as often as they think fit, may remove any such harbour master.

### **Modifications etc. (not altering text)**

**C1** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by [S.I. 1991/540](#), [art.12](#).

## **52 Powers of harbour, dock, or pier master.**

The harbour master may give directions for all or any of the following purposes; (that is to say,)

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein:

For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier:

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings thereof:

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For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear:

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same:

Provided always, that nothing in this or the special Act contained shall authorize the harbour master to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Commissioners of her Majesty's [<sup>F1</sup>Customs and Excise].

#### Textual Amendments

**F1** Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

#### Modifications etc. (not altering text)

- C2** S. 52 extended by [S.I. 1972/971, art. 4, Sch. 1](#)  
S. 52 extended (1.11.1994) by [S.I. 1994/2733, art. 9](#)  
S. 52 extended (13.4.1995) by [S.I. 1995/1063, art. 8\(3\)](#)
- C3** S. 52 incorporated (with modifications) (7.1.2003) by [2002 c. v, s. 3\(1\)\(2\)](#); (with s. 23)
- C4** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by [S.I. 1991/540, art.12](#).  
S. 52 extended (1.8.2000) by [S.I. 2000/2103, art. 9\(3\)](#)  
S. 52 extended (4.9.2000) by [S.I. 2000/2251, art. 9](#)

### 53 Penalty on shipmasters not complying with directions of the harbour master.

The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the harbour master, made in conformity with this and the special Act; and any master of a vessel who, after notice of any such direction by the harbour master served upon him, shall not forthwith regulate such vessel according to such direction shall be liable to a penalty not exceeding [<sup>F2</sup>level 2 on the standard scale].

#### Textual Amendments

**F2** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

#### Modifications etc. (not altering text)

- C5** S. 53 extended by [S.I. 1972/971, art. 4, Sch. 1](#)  
S. 53 excluded (E.W.S.) (12.1.2000) by [S.I. 1999/3444, art. 9](#)
- C6** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by [S.I. 1991/540, art.12](#).

### 54 Penalty on harbour master for misbehaviour.

If any harbour master, or any of his assistants, without reasonable cause, or in an unreasonable or unfair manner, exercise any of the powers or authorities vested in the harbour master by this or the special Act, the person so offending shall for every such offence be liable to a penalty not exceeding [<sup>F3</sup>level 1 on the standard scale].

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#### Textual Amendments

- F3** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### 55 Penalty on offering bribes to dock officers, and on officers taking bribes.

If any person give or offer any sum of money, or any thing whatsoever, by way of reward or bribe to any harbour master or any officer employed in or about the harbour, dock, or pier, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing such harbour master or other officer to do or omit to do anything relating to his office, or if such harbour master or other officer receive any such reward or bribe as aforesaid, every person so offending shall be liable for every such offence to a penalty of [<sup>F4</sup>level 2 on the standard scale].

#### Textual Amendments

- F4** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### 56 Harbour master may remove wrecks, &c.

The harbour master may remove any wreck or other obstruction to the harbour, dock, or pier, or the approaches to the same, and also any floating timber which impedes the navigation thereof, and the expence of removing any such wreck, obstruction, or floating timber shall be repaid by the owner of the same; and the harbour master may detain such wreck or floating timber for securing the expences, and on nonpayment of such expences, on demand, may sell such wreck or floating timber, and out of the proceeds of such sale pay such expences, rendering the overplus, if any, to the owner on demand.

#### Modifications etc. (not altering text)

- C7** S. 56 (as incorporated with any local or special Act) extended by S.R. & O. 1938/136 (Rev. I, p. 1329: 1938 I p. 72), art. 3 and [S.I. 1972/971](#), [art. 8\(2\)\(a\)](#)

### 57 Unserviceable vessels to be altogether removed from harbour.

No vessel which shall be laid by or neglected as unfit for sea service shall be permitted to lie within the limits of the harbour, dock, or pier, but the harbour master may cause every such vessel to be, at the expence of the owner thereof, removed from the harbour, dock, or pier, and laid on any part of the strand or sea shore, or other place where the same may, without injury to any person, be placed; and the charges of removing or placing such vessel may be recovered from the owner of such vessel by summary complaint, in England or Ireland before any justice of the peace, and in Scotland before the sheriff; and in case of refusal or neglect of payment of such charges for the space of seven days after having been awarded by such justice or sheriff, the harbour master may levy such charges by distress and sale or [<sup>F5</sup>poinding][<sup>F5</sup>arrestment] and sale of

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such vessel, or of the tackle, apparel, or furniture thereof, or any part thereof, and the justice or sheriff shall issue his warrant accordingly.

#### Textual Amendments

- F5** Word “arrestment” substituted (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1)(2), Sch. 6 para. 4, Sch. 7 paras. 5, **9(1)**

#### Modifications etc. (not altering text)

- C8** S. 57 (as incorporated with any local or special Act) extended by S.R. & O. 1938/136 (Rev. I, p. 1329: 1938 I p. 72), art. 3 and [S.I. 1972/971](#), **art. 8(2)(a)**

### 58 Harbour master may remove vessels within docks, &c.

If the master of any vessel in or at the harbour, dock, or pier, or within the prescribed limits, if any, shall not moor, unmoor, place, or remove the same according to the directions of the harbour master, or if there be no person on board of any such vessel to attend to such directions, the harbour master may cause such vessel to be moored, unmoored, placed, or removed as he shall think fit, within or at the harbour, dock, or pier, or within the prescribed limits, and for that purpose the harbour master may cast off, unloose, or cut the rope, or unshackle or break the chain, by which any such vessel is moored or fastened; and all expences attending the mooring, unmooring, placing, or removing of such vessel shall be paid to the undertakers by the master of such vessel: Provided always, that before the harbour master shall unloose or cut any rope, or unshackle or break any chain, by which any vessel without any person on board to protect the same shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

#### Modifications etc. (not altering text)

- C9** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by [S.I. 1991/540](#), **art.12**.  
S. 58 extended (with modifications)(30.8.1994) by [S.I. 1994/2298](#), **art. 16(2)(b)**  
S.58 applied (with modifications)(16.1.1995) by [1995 c.i, s. 25\(3\)](#)  
S.58 applied (with modifications) (1.1.1998) by [S.I. 1997/2949](#), **art. 9(2)(b)**  
S.58 applied (with modifications)(10.4.1998) by [S.I. 1998/980](#), **art. 5(2)(b)**  
S. 58 applied (E.W.S.) (2.3.1999) by [S.I. 1999/403](#), **art. 15**  
S. 58 extended (E.W.S) (8.7.1999) by [S.I. 1999/2513](#), **art. 8(2)**  
S. 58 extended (1.8.2000) by [S.I. 2000/2103](#), **art. 8(2)**  
S. 58 applied (1.8.2000) by [S.I. 2000/2103](#), **art. 8(2)**  
S. 58 extended (4.9.2000) by [S.I. 2000/2251](#), **art. 8**  
S. 58 applied (with modifications) (S.) (5.9.2002) by [S.S.I. 2002/410](#), **art. 14(4)** (with [arts. 59, 61](#))

### 59 Vessels entering harbour or dock to be dismantled as harbour master shall direct.

Before any vessel shall enter the harbour or dock, or approach the pier, the master thereof shall cause her to be dismantled as directed by the harbour master; and if any vessel shall enter the harbour or dock, or approach the pier, without being dismantled in the manner required by the harbour master, after notice shall have been given to the master of such vessel so to dismantle the same, such master shall for every such offence be liable to a penalty not exceeding [<sup>F6</sup>level 1 on the standard scale].

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#### Textual Amendments

- F6** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### **60 Vessels to have their sails lowered when entering and navigating dock.**

Before any vessel shall enter into the dock the master of such vessel shall cause her sails to be lowered or furled; and if the master of any vessel shall navigate the same under sail into or in the dock, he shall for every such offence be liable to a penalty not exceeding [<sup>F7</sup>level 1 on the standard scale].

#### Textual Amendments

- F7** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### **61 Vessels to have hawsers, &c. fixed to moorings.**

Every vessel in the harbour or dock, or at or near the pier, shall have substantial hawsers, tow-lines, and fasts fixed to the dolphins, booms, buoys, or mooring posts, when required by the harbour master; and if any vessel shall be in the harbour or dock, or at or near the pier, without substantial hawsers, tow-lines, or fasts fixed as aforesaid, after notice from the harbour master to the master of such vessel to furnish or fix the same, such master shall for every such offence be liable to a penalty not exceeding [<sup>F8</sup>level 1 on the standard scale].

#### Textual Amendments

- F8** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### **62 Penalty for wilfully cutting moorings.**

Every person, other than the harbour master, who shall wilfully cut, break, or destroy the mooring or fastening of any vessel lying in the harbour or dock, or at or near the pier, shall for every such offence be liable to a penalty not exceeding [<sup>F9</sup>level 1 on the standard scale].

#### Textual Amendments

- F9** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

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### 63 **Penalty on vessels lying near the entrance of harbour or dock without permission.**

As soon as the harbour or dock shall be so far completed as to admit vessels to enter therein, no vessel, except with the permission of the harbour master, shall lie or be moored in the entrance of the harbour or dock, or within the prescribed limits; and if the master of any vessel either place it or suffer it to remain in the entrance of the harbour or dock, or within the prescribed limits, without such permission, and do not, on being required so to do by the harbour master, forthwith proceed to remove such vessel, he shall be liable to a penalty not exceeding [<sup>F10</sup>level 1 on the standard scale], and a further sum of [<sup>F11</sup>£1] for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition.

#### Textual Amendments

**F10** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

**F11** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

#### Modifications etc. (not altering text)

**C10** S. 63 modified (4.9.2000) by [S.I. 2000/2251, art. 3](#)

### 64 **Vessels may be removed for the purpose of repairing harbour or dock.**

Whenever the undertakers shall deem it necessary, for the purpose of repairing, scouring, or cleansing the harbour, dock, or pier, that any vessel lying therein or thereat shall be removed therefrom, the master of such vessel shall, within three days after notice in writing signed by the harbour master has been given to him, remove such vessel according to such notice; and in case of his neglecting so to do, such master shall be liable to a penalty not exceeding [<sup>F12</sup>level 1 on the standard scale].

#### Textual Amendments

**F12** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

### 65 **Harbour master may remove such vessel if the master thereof neglect or refuse so to do.**

If the master of such vessel cannot be found, or if he neglect or refuse to remove the same, as required by the said notice, the harbour master may remove such vessel to such station as he shall select, and the expences of such removal shall be paid to the undertakers by the owner of the said vessel or the master thereof: Provided always, that previous to the repair of harbour, dock, or pier, which shall require the removal of the vessels therefrom, the harbour master shall give three days notice of such repair and of the necessity for such removal to the collector and comptroller of the Customs of the district within which the harbour, dock, or pier is situate, or which shall be specified for that purpose in the special Act, and cause a like notice to be affixed on some conspicuous part of such custom house and of the office of the undertakers.

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