
S T A T U T O R Y I N S T R U M E N T S

1975 No. 693

HARBOURS, DOCKS, PIERS AND FERRIES

The Tees and Hartlepool Port Authority Revision Order 1974

<i>Made - - - -</i>	<i>18th December 1974</i>
<i>Laid before Parliament</i>	<i>18th February 1975</i>
<i>Coming into Operation</i>	<i>10th April 1975</i>

The Secretary of State for the Environment in exercise of the powers conferred by section 14 of the Harbours Act 1964^(a) and now vested in him ^(b) and of all other powers enabling him in that behalf, and on the application of the Tees and Hartlepool Port Authority hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Tees and Hartlepool Port Authority Revision Order 1974 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965^(c).

(2) The Tees and Hartlepool Port Authority Acts and Order 1966 to 1971 and this Order may be cited together as the Tees and Hartlepool Port Authority Acts and Orders 1966 to 1974.

Interpretation

2.—(1) In this Order expressions to which meanings are assigned by the Act of 1966 have the same respective meanings and—

“the Act of 1966” means the Tees and Hartlepool Port Authority Act 1966^(d);

“general direction” means a direction authorised by article 3 (General directions to vessels in the harbour) of this Order;

“the harbour” includes any part thereof;

“master”, where used in relation to a vessel, means any person (whether the owner, master or other person) having or taking the command, charge or management of the vessel for the time being;

“special direction” means a direction authorised by article 5 (Special directions to vessels in the harbour) of this Order.

(2) The Interpretation Act 1889^(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) Except where the context otherwise requires, any reference in this Order to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment, including this Order.

^(a) 1964 c. 40.

^(c) 9 & 10 Geo. 6 c. 18; 1965 c. 43.

^(e) 1889 c. 63.

^(b) S.I. 1970/1681 (1970 III, p. 5551).

^(d) 1966 c. xxv.

General directions to vessels in the harbour

3.—(1) The Authority may, after consultation in each case with the Pilotage Authority and the Chamber of Shipping of the United Kingdom give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property, in the harbour, including (but without prejudice to the generality of the foregoing) directions for any of the following purposes:—

- (a) for designating areas, routes or channels in the harbour which vessels are to use or refrain from using for movement, anchoring or mooring;
- (b) for prescribing a system regulating the movement of vessels, whether by means of signals, or by reference to times or periods, or otherwise;
- (c) for prohibiting—
 - (i) entry into, departure from or movement in the harbour by vessels at times of poor visibility due to the weather or to the presence of dust or smoke; and
 - (ii) entry into the harbour by a vessel which for any reason would be, or be likely to become a danger to other vessels or to persons or property in the harbour;
- (d) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master in order to effect the objects of this paragraph.

(2) Directions given under paragraph (1) of this article may be made so as to apply to all vessels or to any class of vessels.

(3) The Authority may revoke directions given under this article or, after consultation with the Pilotage Authority and the Chamber of Shipping of the United Kingdom, amend them.

Publication of general directions

4.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Authority as soon as practicable once in Lloyd's List or some other newspaper specialising in shipping news, and if the notice relates to the giving or amendment of a direction shall state a place at which copies thereof may be inspected and bought, and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Authority consider appropriate.

Special directions to vessels in the harbour

5.—(1) A direction under this article may be given by the harbour master, requiring any vessel or vessels anywhere in the harbour to comply with a requirement made in or under a general direction.

(2) A direction under this article may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a direction given under this article.

Master's responsibility to be unaffected

6. The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property.

Failure to comply with directions

7.—(1) The master of a vessel who fails to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

(2) It shall be a defence to the master of a vessel charged with an offence under paragraph (1) of this article that he had reasonable ground for believing that compliance with the direction in question would be likely to imperil his vessel or its cargo or any person for whom he is responsible, or that in the circumstances compliance was impracticable.

Enforcement of directions

8.—(1) Without prejudice to any other remedy available to the Authority, if a special direction is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with:

Provided that the powers of this paragraph shall not be exercised—

- (a) in relation to a vessel other than a barge or lighter unless, after reasonable inquiry has been made, the master cannot be found; or
- (b) in relation to a barge or lighter unless it is obstructing the access to or exit from a dock or otherwise interfering with navigation.

(3) Expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the Authority as if they were charges payable to the Authority in respect of the vessel.

Lights detrimental to navigation

9.—(1) The Authority may by written notice require a person placing or using on or near the harbour a light which is likely to mislead persons navigating in the harbour or to interfere with the safe navigation of vessels in the harbour, to screen, alter, extinguish or remove the light within a reasonable time specified in the notice.

(2) A person who—

- (a) fails to comply with a notice given under this article; or

(b) after complying replaces or again uses the light or places or uses in lieu thereof another light in respect of which the Authority would be entitled to give a notice under this article;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Harbour master

10. Subsection (1) of section 3 (Interpretation) of the Act of 1966 is amended by substituting for the definition of "harbour master" the following definition—

“ ‘harbour master’ means the harbour master appointed by the Authority and includes the dock masters so appointed and any person authorised by the Authority to act in the capacity of a harbour master”.

Byelaw penalties

11. Subsection (2) of section 94 (Confirmation of byelaws and fines thereunder) of the Act of 1966 is amended by substituting for the words "fifty pounds" the words "one hundred pounds".

Costs of Order

12. The costs, charges and expenses of and incidental to the preparing and obtaining of this Order, and otherwise in relation thereto, shall be paid by the Authority.

Signed by authority of the Secretary of State

18th December 1974.

Fred Mulley,
Minister for Transport,
Department of the Environment.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order —

- (a) empowers the Tees & Hartlepool Port Authority to give general directions to vessels for the ease, convenience or safety of navigation and the safety of persons and property in the harbour managed by that Authority;
- (b) empowers the harbour master thereof to give special directions to ensure compliance with a general direction;
- (c) enables the Authority to control the use of lights detrimental to navigation;
- (d) increases the penalty for offences against the Authority's byelaws.

STATUTORY INSTRUMENTS

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The Tees and Hartlepool Port Authority Revision Order 1974

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