
STATUTORY INSTRUMENTS

1996 No. 1627

The Whitehaven Harbour Revision Order 1996

PART III

Further powers as to management and regulation of harbour

Byelaws as to harbour

23.—(1) In addition to the byelaws which may be made by the Commissioners under section 83 of the Act of 1847 or any enactment contained in the Whitehaven Town and Harbour Acts and Orders 1708 to 1991, the Commissioners may make byelaws for the good rule and government of the harbour and, without prejudice to the generality of the foregoing, for all or any of the following purposes:—

- (a) for regulating the use of pontoons, stagings, quays, jetties, piers, walkways, bridges, approaches, slipways, landing places, berthing heads, boat lifts, mooring posts, buildings, parking places and other works and facilities provided by the Commissioners;
- (b) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour;
- (c) for regulating, preventing or licensing the conduct of all persons in vessels or otherwise in the harbour, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties as such;
- (d) for regulating the placing, laying down, maintenance and use of moorings and for prescribing the patterns and specification of moorings in the harbour;
- (e) for preventing or removing obstructions or impediments within the harbour;
- (f) for regulating the launching of vessels within the harbour;
- (g) for regulating or prohibiting the mooring, careening, beaching or anchoring and keeping of vessels in the harbour;
- (h) for regulating or preventing the use in the harbour or on board any vessel therein of fires, lights or any other equipment, tools or appliances which the Commissioners consider involves a risk of fire and for the prevention of smoking;
- (i) for regulating the removal or disposal of rubbish (including ballast, earth or clay or other refuse) and sewage from vessels in the harbour;
- (j) for the prevention of the disposal of such rubbish and sewage as aforesaid in the harbour;
- (k) for prohibiting the use of or regulating the movement, speed and parking of vehicles within the harbour;
- (l) for requiring the use of effectual silencers and the general control of noise on vessels in the harbour;
- (m) for regulating vessels in the harbour and their entry into and departure from the harbour and, without prejudice to the generality of the foregoing, for prescribing rules for

- regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;
- (n) for regulating the embarkation of persons into, or their disembarkation from, vessels within the harbour;
- (o) for regulating the holding of regattas and other public events in the harbour;
- (p) for prescribing the lights and signals to be exhibited or made—
- (i) by vessels aground within the harbour;
 - (ii) by devices used for marking obstructions within the harbour;
 - (iii) for assisting the navigation of vessels within the harbour, at the entrance to any dock or at any wharf, pier or other work;
- (q) for the prevention of nuisances in the harbour;
- (r) for preventing or regulating the discharge by land or sea of any material or thing within the harbour or the approaches thereto;
- (s) for regulating or preventing fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf, or other installation or structure of any kind within the harbour;
- (t) for regulating or preventing aquaplaning, water skiing or diving or other underwater activities in the harbour;
- (u) for regulating or preventing bathing, and for securing the protection of bathers, within the harbour;
- (v) for regulating or preventing the use by vehicles of the foreshore within the harbour;
- (w) for regulating the use of ferries within the harbour; and
- (x) for regulating the exercise of the powers vested in the harbour master.
- (2) In this article “signals” includes sound signals.
- (3) Byelaws made under this article or any other enactment may be expressed to be applicable within all or any part of the harbour and different byelaws may be so made in relation to different classes of vessels.
- (4) The provisions contained in subsections (3) to (8) of section 236 and section 238 of the Local Government Act 1972(1) shall apply to all byelaws made by the Commissioners under this article or any other enactment.
- (5) In its application to byelaws made by the Commissioners under this article or any other enactment subsection (7) of the said section 236 shall, subject to paragraph (6) below, be construed as if it had been amended by the insertion of the words “with or without modifications” after the word “confirm” in the second place where that word occurs.
- (6) Where the confirming authority proposes to make a modification which appears to him to be substantial, then—
- (a) he shall inform the Commissioners and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification; and
 - (b) he shall not confirm the byelaws until there has elapsed such a period as he thinks reasonable for the Commissioners and other persons who have been informed of the proposed modification to consider and comment on it.
- (7) The confirming authority for the purposes of this article and of the said section 236 in its application to byelaws made by the Commissioners shall be the Secretary of State.

(8) Byelaws made by the Commissioners under this article or any other enactment may contain provisions imposing upon a person offending against any byelaw a fine on summary conviction not exceeding level 3 on the standard scale.

(9) In proceedings for an offence against byelaws made by the Commissioners under this article or any other enactment, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence.

(10) Section 14 of the Whitehaven Harbour Act 1962⁽²⁾ and section 6 of the Whitehaven Harbour Act 1981⁽³⁾ (which are replaced by this article) are hereby repealed.

(2) 1962 c.ix.
(3) 1981 c.xvi.