
STATUTORY INSTRUMENTS

1997 No. 2949

The Portland Harbour Revision Order 1997

PART II

HARBOUR REGULATION

General byelaws

15.—(1) The Company may make such byelaws as they think fit for the efficient management and regulation of the harbour and the harbour premises.

(2) Without prejudice to the generality of paragraph (1) above, the Company may, from time to time, make such byelaws as they think fit with reference to all or any of the following—

- (a) regulating the use of any works and facilities provided by the Company;
- (b) preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour or the harbour premises and to any aids to navigation which are used in connection with the harbour;
- (c) regulating the conduct of all persons in the harbour or the harbour premises, not being—
 - (i) members of a police force;
 - (ii) officers or servants of the Crown; or
 - (iii) members of a fire brigade,whilst in the exercise of their duties as such;
- (d) regulating the placing, maintenance and use of moorings within the harbour;
- (e) preventing and removing obstructions or impediments within the harbour or the harbour premises;
- (f) regulating the launching of vessels from the harbour premises;
- (g) regulating or prohibiting the use on the harbour premises, in the harbour or on board any vessel therein of fires, lights, tobacco or any other substance, equipment, tools or appliances which the Company consider involve a risk of fire, explosion or chemical reaction;
- (h) prohibiting the use of or regulating the use, movement, speed, placing, loading, unloading, driving and parking of vehicles within the harbour premises;
- (i) requiring the use of silencers or other similar apparatus, and the control of noise generally on vessels in the harbour;
- (j) regulating the navigation of vessels in the harbour and their entry into and departure therefrom 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;
- (k) regulating the embarkation of persons on, or their disembarkation from, vessels within the harbour;

- (l) prescribing the lights and signals to be exhibited or made—
 - (i) by vessels aground within the harbour;
 - (ii) by vessels or other devices used for marking obstructions within the harbour; and
 - (iii) at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the harbour;
 - (m) prohibiting or regulating the discharge into the harbour of any material or substance;
 - (n) regulating or prohibiting fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf, breakwater or other installation or structure of any kind within the harbour, from any vessel within the harbour or from the foreshore where such fishing interferes with the operation of the port or the safety of navigation in the harbour;
 - (o) regulating or prohibiting bathing within the harbour;
 - (p) regulating or prohibiting the use by vehicles of the foreshore within the harbour premises;
 - (q) regulating the berthing, mooring and anchoring of vessels in any part of the harbour or the harbour premises, and regulating the careening and beaching of vessels within the harbour premises;
 - (r) regulating the use within the harbour of yachts, sailing boats, rowing boats, pleasure craft, windsurfers, personal watercraft and other small craft;
 - (s) regulating or prohibiting the activities within the harbour of divers, surfers, underwater swimmers, water-skiers and other persons engaged in similar recreational pursuits;
 - (t) regulating the conveyance to and the laying down at or on the harbour premises of all goods intended for shipment;
 - (u) regulating the control of animals within the harbour or the harbour premises;
 - (v) preventing the disposal of any waste matter except at places or in a manner prescribed by the Company;
 - (w) regulating the conveyance, landing, laying down, discharge and removal of goods, gear, equipment, timber, logs, floats, or rafts of timber and other items within the harbour or the harbour premises;
 - (x) regulating the exercise of the powers vested in the harbour master; and
 - (y) for the purposes specified in section 83 of the Act of 1847.
- (3) In this article “signals” includes sound signals.
- (4) Byelaws made under this article may—
- (a) provide for imposing upon a person offending against them, or against any condition, requirement or direction imposed, made or given thereunder, a fine not exceeding level 4 on the standard scale on summary conviction;
 - (b) relate to the whole of the harbour or the harbour premises or to any part thereof;
 - (c) make different provisions for different parts of the harbour or the harbour premises or in relation to different classes of vessels or vehicles; and
 - (d) otherwise make different provision for different circumstances.
- (5) Where a person is charged with an offence against a byelaw in force under this article, 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;
 - (b) that he had a reasonable excuse for his act or failure to act; or

- (c) that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him and that all reasonable steps were taken to prevent the commission of the offence.
- (a) (6) (a) The provisions of section 236(3) to (8) and (11) and 238 of the Local Government Act 1972⁽¹⁾ (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Company under this article; and those provisions, in their application to any such byelaws, shall have effect subject to the modification that for the references to a local authority there are substituted references to the Company.
- (b) Subsection (7) of the said section 236, in its application to any such byelaws, shall (subject to sub-paragraph (c) below) be modified by the insertion of the words “with or without modifications” after the word “confirm” in the second place where that word occurs.
- (c) Where the confirming authority proposes to make a modification which appears to him to be substantial, then—
 - (i) he shall inform the Company and require them to take any steps which he considers to be necessary for informing persons likely to be concerned with the modification; and
 - (ii) he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the consideration of, and comment upon, the proposed modification by the Company and by any other persons who have, or are likely to have, been informed of it.
- (d) The said section 238, in its application to any such byelaws, shall have effect subject to the modification that for the reference to the proper officer of the authority there is substituted a reference to the Secretary of the Company.
- (e) The confirming authority for the purposes of the said section 236 in its application to the Company shall be the Secretary of State.
- (a) (7) (a) Schedule 1 to this Order (which contains provisions for the general regulation of the harbour and the harbour premises) shall have effect, and its provisions shall be deemed to be byelaws made by the Company under this article and subsequently confirmed by the Secretary of State.
- (b) For the avoidance of doubt, byelaws made by the Company under this article may amend or revoke, either wholly or partially, the provisions of that Schedule.