

SCHEDULE 1

Article 15

REGULATION OF THE HARBOUR AND THE HARBOUR PREMISES

PART I:  
PRELIMINARY

*Interpretation*

1. In this Schedule—

“Beacon E” means the point on the Outer Breakwater at Latitude 50° 34.8' N, Longitude 002° 24.8' W;

“the Collision Regulations” means regulations for the prevention of collisions made under sections 85 and 86 of the Merchant Shipping Act 1995;

“the controlled area” means the area of water within the inner harbour bounded by the following imaginary line—

- (a) drawn 325° (true) for 1,050 metres from the eastern extremity of the Inner Breakwater;
- (b) then drawn 251° (true) for 900 metres;
- (c) then drawn 180° (true) to the north-east corner of the Phoenix Pier;
- (d) then drawn from the south-east corner of the Phoenix Pier 150° (true) for 280 metres to the western dolphin off Castletown Slipway;
- (e) then drawn to the western edge of Castletown Slipway at the level of high water;

“fairway” means either of the main fairways or any other area designated as a fairway by the Company in a general direction;

“goods” means all articles and merchandise of every description and includes fish, livestock and animals;

“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 includes any other person in charge of the goods and his agent in relation thereto; and 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;

“power-driven vessel” includes any vessel propelled by machinery;

“property” means any property whether real or personal;

“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;

“seaworthy” in relation to a vessel means that the vessel with its master and crew is capable, having regard to any intended movement of the vessel within or through the harbour, of being navigated or manoeuvred safely;

“under way” in relation to a vessel means a vessel not at anchor, made fast to the shore or aground; and

“whistle” means any vessel’s whistle or siren.

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*Application*

2. The provisions of this Schedule shall have effect in addition to any general direction or any special direction given by the Company or the harbour master, so far as they are consistent therewith, but they shall be subject to the provisions of Schedule 2 to this Order.

**PART II:  
NAVIGATION**

*Vessel movements*

3. The master of a vessel other than a small vessel shall give prior notice to the harbour master or his agent of the vessel's arrival at, departure from or movement within, the harbour.

*Declaration of particulars of vessel*

4. The master of a vessel arriving at the harbour shall, if required by the harbour master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draught of the vessel, its last port of call, name and address of owner, destination, and particulars of any cargo and passengers.

*Vessels to be navigated with care and caution*

5. The master of a vessel navigating in the harbour shall navigate the vessel with such care and caution and at such speed and in such manner as not to endanger the lives of, or cause injury to, persons or damage to property and as not to obstruct or prejudice the navigation, manoeuvring, loading or discharging of vessels or cause unnecessary damage to moorings, the banks of the harbour or other property.

*Speed of vessels*

6.—(1) Subject to sub-paragraph (2) below, the master of a power-driven vessel other than a power boat shall not, except and in accordance with the prior permission in writing of the harbour master, cause or permit the vessel to proceed at a speed greater than 12 knots through the water when navigating—

- (a) within the inner harbour; and
- (b) in the approaches thereto north of a line drawn 048° (true) from "D" Head.

(2) The master of a power-driven vessel shall not, except and in accordance with the prior permission in writing of the harbour master, cause or permit the vessel to proceed at a speed greater than 6 knots through the water in the following areas—

- (a) in Newton's Cove, west of a line drawn 026° (true) from Torpedo Pier Light to the northern limit of the harbour;
- (b) within 150 metres of the breakwaters, except as required to pass through the main fairways;
- (c) in the inner harbour—
  - (i) west of a line drawn 026° (true) from the light structure (New Channel Beacon) situated at Latitude 50° 34.87' N, Longitude 002° 27.61' W to Torpedo Pier Light;
  - (ii) south of a line drawn 119° (true) from New Channel Beacon to the light on the northern corner of Queen's Pier; and

(iii) south of a line drawn 251° (true) from Beacon E on the Outer Breakwater.

(3) For the purposes of sub-paragraph (1) above “power boat” means a power-driven vessel of less than 10 metres in length.

(4) This paragraph is without prejudice to paragraph 5 above and the Collision Regulations.

#### *Small vessels*

7.—(1) The master of a small vessel which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway; and when navigating across a fairway or through an entrance to the inner harbour, he shall do so by the shortest possible route that will avoid such obstruction.

(2) The master of a small vessel shall not hamper the safe passage of any vessel greater than 20 metres in length which is in, entering or leaving a fairway or which is under way within the inner harbour.

#### *Outgoing vessels to have priority*

8. Subject to paragraph 7(2) above, outgoing vessels shall have priority of passage in the main fairways over incoming vessels, and no vessel proceeding inward shall enter either of the main fairways until any vessel proceeding outwards through that fairway has passed out.

#### *Vessels not to make fast to aids to navigation*

9. The master of a vessel shall not make fast the vessel to or knowingly cause or permit the vessel to lie against any buoy, beacon or mark used for navigational purposes.

#### *Notification of accidents and deficiencies, etc.*

10.—(1) The master of a vessel which—

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded, in the harbour;
- (b) is within or about to enter the harbour and by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- (c) in any manner gives rise to an obstruction to a fairway,

shall give immediate notice of that fact to the harbour master and (as soon as practicable thereafter) provide the harbour master with full details in writing.

(2) Where the condition of a vessel is such that it is not or may not be seaworthy, the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master.

(3) The harbour master may mark any vessel the subject of a notice given to him under sub-paragraph (1) above in any manner he considers appropriate.

#### *Vessels to have competent helmsman*

11.—(1) Subject to sub-paragraph (2) below, the master of a vessel shall ensure that it is steered at all times by a person competent to do so; and no automatic devices or equipment shall be used for steering purposes unless attended by a competent helmsman.

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(2) The requirement of sub-paragraph (1) above to ensure that a vessel is steered at all times by a person competent to do so shall not apply if a person steering a vessel is undergoing training, so long as—

- (a) that person is being supervised on board the vessel by such a competent person; or
- (b) that person is steering the vessel in such part of the harbour as may be designated by the harbour master as suitable for training purposes.

(3) No person under the age of 16 years shall steer or navigate within the harbour any power-driven vessel of over 10 horsepower unless that person is—

- (a) in possession of an appropriate Royal Yachting Association or equivalent qualification; or
- (b) accompanied by a person aged 18 years or over.

*Master to remain on bridge*

**12.** The master of a power-driven vessel under way shall either—

- (a) be on the bridge or at the control position of the vessel; or
- (b) ensure that there is on the bridge or at the control position a member of the crew who is capable of taking charge of the vessel and, when a pilot is on board, is capable of carrying out the pilot's directions for the conduct of the vessel.

*Prohibition on navigation*

**13.** Except with the prior permission of the harbour master, no vessel shall enter, or navigate within, the controlled area.

*Use of whistles*

**14.** No person shall use a whistle within the harbour except—

- (a) as a signal of distress;
- (b) to prevent collision;
- (c) in the case of fog; or
- (d) with the prior permission of the harbour master, for the purpose of—
  - (i) the management of a race or any similar event;
  - (ii) the training of a person in the use of a small vessel; or
  - (iii) testing the whistle.

*Anchorage*

**15.—(1)** No vessel shall anchor—

- (a) within 100 metres of the line of any cable or pipe laid down in the harbour, when such line is indicated by posts or other discernible marks on shore, in a general direction or on the Admiralty Charts; or
- (b) within 150 metres of any breakwater.

(2) Without prejudice to sub-paragraph (1) above, if at any time the anchor of any vessel hooks any moorings, electric cable, moorings of buoys, or any pipe, the master of the vessel shall forthwith give notice thereof to the harbour master and shall, if it is safe and practicable, await his instruction before proceeding to clear the same.

*Obstruction of main fairways*

16. Except with the permission of the harbour master, no vessel shall lie or be moored, anchored, grounded, deposited or run ashore in the main fairways.

*Shipkeepers*

17.—(1) No vessel compelled or allowed to anchor in or near the main fairways, any other fairway or approaches to the controlled area, shall be left at any time without a shipkeeper.

(2) For the purposes of sub-paragraph (1) above, a vessel is anchored near the main fairways, any other fairway or approaches to the controlled area if she could, at the extent of her swing, and having regard to prevailing or anticipated weather conditions, and the potential to drag her anchor, infringe on the fairway or approaches to the controlled area, as the case may be.

**PART III:**

**BERTHING AND MOORING**

*Provision of proper fenders*

18. The master and the owner of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel; and, when berthing and leaving or lying at a quay or against other vessels, the master shall cause the vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or any other property.

*Vessels to be properly berthed*

19. The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.

*Vessels adrift*

20. The master of a vessel which parts from its moorings shall, as soon as possible, report the same to the harbour master.

*Access to and egress from vessels*

21. The master and the owner of a vessel (other than a small vessel) while berthed alongside a quay shall provide and maintain a sufficient, safe and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

*Sufficiency of crew*

22.—(1) Except with the permission of the harbour master, the master of a vessel other than a small vessel shall at all times when that vessel is within the harbour ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available—

- (a) to attend to the vessel's moorings;

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- (b) to comply with any directions given by the harbour master for the unmooring, mooring and moving of the vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

(2) If any contract is entered into to secure compliance with sub-paragraph (1) above by persons other than the vessel's crew, the name and address of the person with whom the contract is entered into shall be disclosed to the harbour master.

*Vessels to be kept in a movable condition*

**23.**—(1) The master of a vessel, other than a small vessel lying at a recognised mooring or anchorage, shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the harbour master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

(2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbour master forthwith and give to him any further information which the harbour master may reasonably require.

*Use of engines while vessel moored or berthed*

**24.** The master of a vessel which is moored at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause unnecessary injury or damage to the bed or banks of the harbour or to any other vessel or property.

*Vessels not to make fast to unauthorised objects*

**25.** No person shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

*Access across decks*

**26.** The master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the harbour master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

*Lost anchor, cable or propeller*

**27.** The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller shall—

- (a) as soon as reasonably practicable give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs, shall cause it to be recovered as soon as reasonably practicable;
- (b) in the case of an anchor or propeller, leave a buoy to mark the position thereof if this is known.

## PART IV: GOODS AND ROAD TRAFFIC

### *Requirements as to handling and movement of goods in the harbour*

**28.**—(1) The owner of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the Company otherwise agree.

(2) The owner of any goods shall comply with such directions as the Company may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.

### *Precaution against goods, etc., falling into harbour waters or the Company's premises*

**29.** The master of a vessel and a person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the harbour master may direct for preventing any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the harbour premises.

### *Obstruction or interference at harbour premises*

**30.** No person shall—

- (a) except with the permission of the Company, deposit or place on any part of the harbour premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or
- (b) without lawful authority, use, work, move or tamper with any plant, machinery, equipment or apparatus at the harbour premises.

### *Safe driving of vehicles*

**31.** No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

### *Speed limit for vehicles*

**32.** No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 10 miles per hour or at such other speed applicable to all or part of the harbour premises as may be specified by the Company in a notice conspicuously posted in or close to the place to which the limit relates.

### *Supervision of vehicles*

**33.** A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Company with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Company—

- (a) leave the vehicle unattended anywhere within the harbour premises; or
- (b) take it into any shed or working area.

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*Loads not to leak, spill or drop*

**34.**—(1) The owner, driver or other person having charge of a vehicle in the harbour premises shall not knowingly permit any substance to leak, spill or drop from the vehicle.

(2) This paragraph shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not have been reasonably prevented.

*Loads to be secured*

**35.** The owner, driver or other person having charge of a vehicle in the harbour 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.

*Refuelling etc. of vehicles*

**36.** No person shall within the harbour premises charge any vehicle with, or empty it of, fuel except with the permission of the Company or at a place designated by the Company for that purpose.

*Driving on weighbridges*

**37.** No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

*Accidents to be reported*

**38.** Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and report the accident to the Company and shall give his name and address to the Company.

**PART V:**

**GENERAL**

*Inspection facilities, etc., to be made available to harbour master*

**39.** 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 access to the vessel or any part thereof and provide all reasonable facilities for its inspection and examination.

*Navigation under influence of drink or drugs prohibited*

**40.** No person shall navigate any vessel in the harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

*Vessels not to be fumigated without permission*

**41.** The master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the harbour master.



### *Discharges into harbour prohibited*

**42.**—(1) No person shall discharge any matter or cause or permit any matter to be discharged into the waters or on to the bed of the harbour or place or cause or permit any matter or object to be placed so that it may fall, be blown, drift or flow into the harbour.

(2) The provisions of this paragraph shall not apply to—

- (a) the discharge or escape of any substance the discharge or escape of which is subject to the provisions of the Prevention of Oil Pollution Act 1971<sup>(1)</sup>;
- (b) anything specifically authorised by, or by a consent given under, any other enactment.

### *Fishing*

**43.**—(1) Any person fishing in the harbour shall comply with directions given to him by the harbour master.

(2) Subject to sub-paragraphs (4) and (5) below, no person shall fish—

- (a) in the main fairways;
- (b) in the controlled area;
- (c) within 150 metres of the harbour premises;
- (d) by trawl, nets or dredges within 100 metres of the line of any cable or pipe laid down in the harbour; and
- (e) with surface nets in the inner harbour, except with the written permission of the harbour master.

(3) No person shall fish in Newton’s Cove—

- (a) by trawl or dredges, west of a line drawn due north from “C” Head to the northern limit of the harbour; or
- (b) by nets west of a line drawn 026° (true) from Torpedo Pier Light to the northern limit of the harbour.

(4) With the written permission of the harbour master a person may lay and lift prawn and lobster pots at the following locations—

- (a) on and within 150 metres of the seaward side of the Inner Breakwater;
- (b) on and within 150 metres of the seaward side of the Outer Breakwater;
- (c) on and within 150 metres of the landward side of the Outer Breakwater between Beacon E and the South Ship Channel but excluding any area for the time being marked by buoys as set aside for a fish farm;
- (d) on and within 150 metres of the North-eastern Breakwater and the Northern Arm; and
- (e) within 150 metres of the harbour premises lying to the south of the Inner Breakwater.

(5) With the written permission of the harbour master a person may lay and lift prawn pots on and within 10 metres of the landward side of the Outer Breakwater between Beacon E and the southern side of the jetty at Fort Head, but excluding any area for the time being marked by buoys as set aside for a fish farm.

(6) No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

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(1) 1971 c. 60.

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(7) All surface set nets and such other apparatus and equipment which could impede surface navigation in the harbour shall be attended at all times.

(8) All markers used to indicate the position of fishing equipment shall be clearly marked with either the owner's name or boat registration number.

*No dragging or grappling without permission*

44. Without prejudice to paragraph 27 above, no person shall drag, dredge or grapple for any material or article, nor remove the same from the bed of the harbour, without the written consent of the harbour master save for the purpose of immediately recovering any article dropped overboard from a vessel.

*Vessels to have names marked on them*

45. The owner of a vessel which is not registered as a ship under Part II of the Merchant Shipping Act 1995 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification and harbour of origin (if any) unless exempted from this requirement by the Company.

*Abandonment of vessels prohibited*

46.—(1) No person shall abandon a vessel on the banks or shore of the harbour or on any of the breakwaters.

(2) For the purposes of sub-paragraph (1) above, a person who leaves a vessel on the banks or shore of the harbour or on any of the breakwaters in such circumstances or for such period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

*Water-skiing, aquaplaning and similar activities*

47.—(1) No person shall engage or take part in water-skiing, aquaplaning or any similar activity—

- (a) in the main fairways;
- (b) within 150 metres of the breakwaters;
- (c) south of a line drawn between Beacon E and a point on the shore at Latitude 50° 34.22' N, Longitude 002° 27.5' W (the Lattice Tower);
- (d) in the area west of lines drawn 127° (true) and 028° (true) from the light structure (New Channel Beacon) situated at Latitude 50° 34.87' N and Longitude 002° 27.61' W; and
- (e) in Newton's Cove, west of a line starting at a point on the northern side of the Northern Arm 1,120 metres from the eastern extremity of "C" Head and drawn 028° (true) to the northern limit of the harbour.

(2) Without prejudice to sub-paragraph (1) above, no person shall engage or take part within the harbour in water-skiing, aquaplaning or any similar activity except in areas designated by the Company and with the written permission of the harbour master, given either specifically or generally, and subject to such other reasonable terms and conditions as the harbour master may specify.

(3) A master of a vessel, whilst using the vessel for the purpose of towing a water-skier or a person aquaplaning, shall have on board at least one other person capable of taking charge of the

vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water-skier or person aquaplaning and shall carry—

- (a) for each person on board or being towed a life jacket or a personal buoyancy aid;
- (b) two hand-held distress signals and a fire extinguisher; and
- (c) for each person water-skiing or aquaplaning, a rescue quoit with line or other sufficient hand-thrown rescue device.

*Para-kiting, para-scending and similar activities*

**48.** No person shall engage or take part in para-kiting, para-scending or any similar activity in any part of the harbour except with the written permission of the Company given either specifically or generally and only in such areas as may be designated by the Company and in accordance with such reasonable terms and conditions as the Company may impose.

*Diving and underwater swimming*

**49.**—(1) Subject to sub-paragraph (2) below, no person, other than a duly authorised employee, contractor or agent of the Company, shall swim underwater or dive in the areas specified in paragraph 43(2)(a), (b) and (c) above.

(2) With the written permission of the Company a person may dive and swim underwater—

- (a) seawards from the seaward side of the Inner Breakwater (including the South Ship Channel entrance);
- (b) seawards from the seaward side of the Outer Breakwater but remaining clear of the main fairway concerned;
- (c) within 50 metres of the landward side of the Outer Breakwater but remaining clear of the main fairway concerned for the purpose of diving on the wreck adjacent to Beacon E, commonly known as the “Enecuri” or “Spaniard”; and
- (d) on the wrecks along the landward side of the Outer Breakwater between Beacon E and “D” Head.

(3) An application for permission to dive the wrecks mentioned in sub-paragraph (2)(d) above shall be made at least 2 working days before the day on which it is desired to carry out the dive in question and the permission, if given, shall relate to that particular dive alone.

- (a) (4) (a) Subject to (b) below, the Company shall only give permission to dive and swim underwater for the purposes of sub-paragraph (2) above to a person who is a member of a club or association which is either a registered branch of the British Sub-Aqua Club, a registered club of the Sub-Aqua Association, a Professional Association of Diving Instructors registered diving school or a member of any other recognised and competent organisation.
- (b) Permission for the purposes of sub-paragraph (2) above may be given by the Company to a club or association mentioned in (a) above for the benefit of those of its members specified in the permission.

(5) Permission given under the said sub-paragraph to dive or swim underwater shall not authorise any person to land or set foot on the Inner Breakwater or the Outer Breakwater.

(6) Any permission granted under the said sub-paragraph may be given subject to such reasonable terms and conditions (including as to the payment of charges) as the Company may consider appropriate, and any person diving or swimming underwater in the harbour shall comply with any such terms and conditions that are imposed, and with any directions given to him by the harbour master.

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*Regattas, races and similar events*

**50.**—(1) The person responsible for organising any regatta, race, procession, pageant or any other similar event, or any part of any such event in which a number of vessels is expected to participate or to assemble within the harbour, shall supply to the harbour master such information with regard to the event as the harbour master may reasonably require and shall seek the prior consent of the harbour master to the holding of the event or the part of such event within the harbour, which shall not be unreasonably withheld.

(2) No person shall organise or conduct any of the events referred to in sub-paragraph (1) above except on such courses, at such times and in accordance with such other conditions as the harbour master may reasonably specify for the purposes of this paragraph.

*Aids to navigation*

**51.** No person shall erect, exhibit, alter, tamper with or remove any light, fog signal, buoy, beacon, mark, radar reflector or other object within or adjoining the harbour used as an aid to navigation in the harbour without the written permission of the Company.

*Assistance to fire and other services*

**52.** The master 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.

*Fire precautions*

**53.** The master of a vessel shall take all reasonable precautions for the prevention of accidental fire or accidents by fire.

*Obstruction of officers of the Company*

**54.** No person shall intentionally obstruct any officer or employee of the Company in the execution of his duties.

*Meetings*

**55.**—(1) Except with the consent of the harbour master, no person shall within the harbour premises—

- (a) take part in any general meeting; or
- (b) gather together with other persons, or deliver any address to an audience,

whereby any work or business at the harbour or the control, management or use of the harbour is, or likely to be, obstructed, impeded or hindered.

(2) This paragraph 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(2) or any regulations made under that Act.

*Unauthorised trading prohibited*

**56.** No person shall engage by way of trade, in buying or selling any goods or property in the harbour premises without the written consent of the Company.

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(2) 1974 c. 37.

### *Landing on breakwaters*

**57.** No person may at any time land on the breakwaters except with the permission in writing of the harbour master and in accordance with any conditions attached thereto.

### *Firearms*

**58.**—(1) Except with the prior consent of the harbour master no firearm or air-gun shall be discharged from any vessel within the harbour or from the harbour premises otherwise than by a member of a police force or a member of Her Majesty's naval or military forces properly authorised to do so in the course of his duty.

(2) No ship's gun on board any vessel lying within the harbour shall be loaded, except in so far as may be necessary from time to time for training personnel in the loading and unloading of the gun or for testing its mechanism, nor shall any such gun be discharged except as a signal of distress.

### *Silencers*

**59.** No person, being the master of a vessel propelled by an internal combustion engine, shall use that vessel in the harbour unless the engine is fitted with a silencer or such other apparatus suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine.

### *Penalties*

**60.**—(1) Any person who contravenes or otherwise fails to comply with any of the provisions of this Schedule, or any condition, requirement or prohibition imposed by the Company or the harbour master in the exercise of the powers conferred upon them or him by this Schedule, shall be guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 4 on the standard scale in the case of an offence under paragraph 40 above;
- (b) to a fine not exceeding level 3 on the standard scale in any other case.

(2) Where the commission by any person of an offence under this Schedule is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with, and convicted of, the offence by virtue of this paragraph, whether or not proceedings for the offence are taken against any other person.

(3) In any proceedings for an offence under this Schedule, 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 sub-paragraph (3)(a) above 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 Company a notice in writing giving such information identifying, or assisting in the identification of, that person as was then in his possession.