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SCHEDULES

SCHEDULE 4

Section 12.

CONTROL OF CRAFT IN DESIGNATED AREAS, ETC.

incorporation of act of 1847

- 1 (1) The Harbours, Docks and Piers Clauses Act 1847 (in this Schedule called “the Act of 1847”), except sections 6 to 27, 29 to 50, 66 to 68, 79 to 90 and 94 to 96, so far as applicable for the purposes of and not inconsistent with this Act is hereby incorporated with this Act.
- (2) In construing the Act of 1847, as incorporated with this Act—
- (a) the expression “harbour, dock or pier” shall mean the designated areas;
 - (b) the expression “the harbour master” shall mean the manager;
 - (c) the prescribed limits shall be the limits of jurisdiction;
 - (d) the meaning of the word “vessel” as defined by this Act shall be substituted for the meaning assigned to it by section 3 of the Act of 1847; and
 - (e) the expression “the undertakers” shall mean the Corporation.
- (3) Sections 9 (2) and (3), 10 and 11 of this Act shall apply to byelaws made under section 83 of the Act of 1847, as incorporated with this Act, as they apply to byelaws made under section 9 (1) of this Act.
- (4) For the purposes of the Act of 1847, as so incorporated, the jetties shall be deemed not to be within the limits of jurisdiction or the designated areas.

Directions of manager

- 2 Section 52 of the Act of 1847, in its application to the Corporation and the manager—
- (1) shall extend to empower the manager to give directions prohibiting the mooring of vessels within the designated areas or any part or parts thereof;
 - (2) shall not be construed to require the manager in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section for all or any of the purposes thereof the manager shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

Orders of manager need not be in writing

- 3 Section 53 of the Act of 1847, in its application to the Corporation and the manager, shall not be construed to require the manager to serve a notice in writing of his directions upon the master of a vessel and such directions may be given orally or otherwise communicated to the master.

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Boarding of vessels

- 4 (1) The manager may, on producing if so required his authority, enter a vessel in the designated areas and inspect the vessel or any part thereof or its cargo or any machinery, boats, equipment or articles on board the vessel for the purposes of any enactment relating to the Corporation, or of any direction lawfully given under any such enactment, including the enforcement thereof, and may take such steps as may be necessary to prevent or extinguish fire.
- (2) Where the manager indicates his intention of entering and inspecting a vessel, the master of the vessel shall, by any practical means consistent with the safety of the vessel, facilitate the manager boarding and subsequently leaving the vessel.
- (3) If the master of a vessel fails to comply with sub-paragraph (2) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this and the following paragraph “master” means any person for the time being having or taking the command, charge, possession or management of a vessel whether lawfully or wrongfully.

Power to obtain information as to vessels

- 5 (1) In this paragraph—
- “owner” means the owner of a vessel and any person having any interest in a vessel (whether as joint owner, lessee, mortgagee or otherwise) and includes a person letting a vessel for hire whether or not that person owns the vessel; and
- “vessel” means any vessel named or identified in a notice under this paragraph.
- (2) Where, with a view to performing a function conferred or imposed on it by or under any enactment, the Corporation considers that it ought to have information as to the master or the owner, as the case may be, of any vessel which is or has been in the designated areas, it may serve a notice on any person reasonably believed by it to be the master or owner, or to have been the master or owner at any date specified in the notice, requiring the recipient to furnish to the Corporation within a period specified in the notice (which shall not be less than 14 days beginning with the day on which the notice is served) the following information:—
- (a) the name and address of any person whom the recipient of the notice believes to be the master or owner of the vessel, or to have been such master or owner at any date specified in the notice; or
 - (b) the capacity in which any person who is or has been or is believed by the recipient of the notice to be or have been the master has or takes command, charge, possession or management of the vessel, or had or took such command, charge, possession or management at any date specified in the notice; or
 - (c) the nature of the interest in or control over the vessel, at any date specified in the notice, of any person who is or has been or is believed by the recipient of the notice to be or have been the owner.
- (3) A notice under this paragraph shall—
- (a) name or otherwise identify the vessel in respect of which it is served;

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(b) specify the function for the purpose of the performance of which the notice is served; and

(c) specify the enactment by or under which that function is to be performed.

(4) A person who—

(a) fails, without reasonable excuse, to comply with the requirements of a notice served on him under sub-paragraph (2) above; or

(b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person shall not be guilty of an offence under sub-paragraph (4) (a) above if—

(a) he has never been the master or owner of the vessel in respect of which the notice is served; or

(b) he ceased to be the master or owner of the vessel more than 6 months before the date upon which the notice is served on him.