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STATUTORY INSTRUMENTS

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**1994 No. 1647**

**The Lancaster Port Commission Harbour Revision Order 1994**

**PART II**

**GENERAL POWERS**

**Byelaws**

6.—(1) In addition to the byelaws which may be made by the Commissioners under section 83 of the Harbours, Docks, and Piers Clauses Act 1847<sup>(1)</sup> the Commissioners may from time to time make such byelaws as they think fit for all or any of the following purposes

- (a) for regulating the exercise of the powers vested in the harbour master;
- (b) for regulating the use of any works and facilities provided by the Commissioners;
- (c) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the port;
- (d) for regulating the conduct of all persons in the port, not being members of a police force or officers or servants of the Crown or of a fire authority whilst in the exercise of their duties as such;
- (e) for regulating the placing, maintenance and use of moorings;
- (f) for preventing and removing obstructions or impediments within the port;
- (g) for regulating the launching of vessels within the port;
- (h) for regulating or preventing the use in the port or on board any vessel therein of fires, naked lights, flares or any flammable matter, equipment, tools or appliances which the Commissioners consider involve a risk of fire;
- (i) for prohibiting persons smoking in the port;
- (j) for prohibiting and regulating the use, movement, speed and parking of vehicles within the port;
- (k) for requiring the use of effectual silencers and for the control of noise generally on vessels in the port;
- (l) for regulating vessels in the port and their entry into and departure from it 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 port;
- (m) for regulating the loading and unloading of cargoes within the port and the embarkation of persons into, or their disembarkation from, vessels within the port;
- (n) for prescribing the lights and signals to be exhibited or made
  - (i) by vessels aground within the port;

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(1) 1847 c. 27.

- (ii) by vessels used for marking obstructions within the port; and
  - (iii) at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the port;
  - (o) for preventing or regulating the discharge into the port of any material or substance;
  - (p) for regulating 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 port;
  - (q) for regulating or preventing bathing, and for securing the protection of bathers, within the port;
  - (r) for regulating the use and preventing the misuse of services and facilities provided by the Commissioners in the port; and
  - (s) for imposing upon any person, on his being summarily convicted of contravening or failing to comply with any byelaw under this article, a fine not exceeding level 4 on the standard scale.
- (2) In this article “signals” includes sound signals.
- (3) Byelaws made by the Commissioners in relation to the port
- (a) may make different provision in relation to different classes of vessels; and
  - (b) may otherwise make different provision for different circumstances.
- (4) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Commissioners in relation to the port as if the Commissioners were a local authority and the Clerk to the Commissioners were a proper officer of a local authority; but, subject to paragraph (5) below, the Secretary of State may confirm the byelaws with such modifications as he thinks fit.
- (5) Where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Commissioners and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Commissioners and by other persons who have been informed of it.
- (6) In consequence of the preceding provisions of this article, article 35 of the 1967 Order (byelaws as to signals and lights on vessels and confirmation of byelaws) shall cease to have effect: Provided that all byelaws made by the Commissioners under that article and in force at the commencement of this Order shall continue in force and shall be deemed to have been made under the provisions of this article.