
STATUTORY INSTRUMENTS

2016 No. 151

The Newhaven Harbour Revision Order 2016

PART 2

HARBOUR REGULATION

General and special directions

General byelaws

11.—(1) The Company may make byelaws for the efficient management and regulation of the harbour.

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

- (a) regulating the use of any works or facilities provided by the Company;
- (b) preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour and to any aids to navigation which are used in connection with the harbour;
- (c) regulating the conduct of all persons in the harbour, 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;
- (f) regulating the launching of vessels from the harbour premises;
- (g) regulating or prohibiting the use in the harbour or on board any vessel therein of fires, lights, tobacco or any other substance, equipment, tools, pyrotechnics, fireworks, guns, explosive ordnance, lasers or any other appliances which the Company considers involve a risk of fire, explosion or chemical reaction;
- (h) prohibiting the use of, or regulating the use, movement, speed, placing, loading, unloading, driving or 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 for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for 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 a dock or at a 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, 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 any 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;
 - (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;
 - (x) preventing damage or harm to the environment within the harbour;
 - (y) regulating any activity within the harbour that might otherwise cause a nuisance to other harbour users;
 - (z) regulating the exercise of the powers vested in the harbour master; and
 - (aa) for the purposes specified in section 83 of the Act of 1847 to the extent that they are not expressly referred to in this paragraph.
- (3) In this article “signals” includes sound signals.
- (4) Byelaws made under this article may—
- (a) provide that a person contravening such a byelaw or a condition, requirement or direction imposed, made or given thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale;
 - (b) relate to the whole of the harbour or to any part thereof;
 - (c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles; and
 - (d) otherwise make different provisions for different circumstances or cases.
- (5) Where a person is charged with an offence under paragraph (4)(a), 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 the offence;

- (b) that he had a reasonable excuse for his act or neglect; or
- (c) that the offence was not caused or facilitated by an act or neglect on his part or on the part of a 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(a) (which relate to the procedure for making, and evidence of, byelaws) shall apply to byelaws under this article; and those provisions in their application to such byelaws, shall have effect subject to the modification that for the references to a local authority there were substituted references to the Company.
- (b) Subsection (7) of the said section 236, in its application to 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—
 - (i) he shall inform the Company and require it 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 such byelaws, shall have effect subject to the modification that for the reference to the proper officer of the authority there were 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.