

# BRIDGEND COUNTY BOROUGH COUNCIL

## BYELAWS FOR REGULATING PORTHCAWL HARBOUR AND ASSOCIATED WATERS

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## Title and commencement

These byelaws may be cited as the Porthcawl Harbour Byelaws 2020 and shall come into effect on the expiration of 28 days from the date of their being confirmed by the Council.

## Application

These byelaws shall apply to all parts of the Porthcawl Harbour.

These byelaws apply to all persons and vessels using the harbour or within the harbour premises and, in addition, the byelaws set out in part V apply to all roads from time to time within the harbour premises except for public roads and the byelaws set out in part VIII apply to pleasure craft and recreational activities within the harbour.

## Interpretation

In these byelaws, unless the context otherwise requires, the following words or expressions have the following meanings:

1996 Regulations”	means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (SI 1996/75);
Authorised officer of the company	means any person lawfully acting on behalf of the Council;
Berth	means any place within the harbour where a vessel may properly lie whether at a quay, at a mooring or at anchor;
Council	Bridgend County Borough Council
Dangerous Substances Regulations	means the Dangerous Substances in Harbour Areas Regulations 1987 (SI 1987/37;)
Docks	means the enclosed basin of water with a man-made structure built over water where passengers can get on or off a boat, or where goods can be transported on or off.
Harbour	means all tidal waters and all enclosed waters which lie within the area to which these byelaws apply and includes immediately adjacent quays and docks ancillary to the use of those waters;
Harbour Master	means the person appointed as the harbour master and includes his authorised deputies, assistants and any other person authorised by the Council to act in that capacity; and any permission or instruction of the harbour master, unless the byelaw requires that it be in writing, includes any authority, permission or instruction given orally in person or by radio;
Harbour premises	means the docks, quays and all other works, land and buildings for the time being vested in or occupied or administered by the Council and used for the purposes of or in connection with the harbour;
Master	when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being;
Owner	when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody,

	loading or unloading, handling 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; and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;]
Fairway	A navigable channel used to access or egress the harbour.
Pedal cycle	means a cycle as defined in section 192 of the Road Traffic Act 1988;
Pleasure craft	means any vessel designed or adapted wholly or in part for the purpose of sport or recreation including, without limitation, a personal watercraft and sail board;
Public roads	means all roads which are now or in the future dedicated for use as a public highway which at the date of these byelaws comprise;
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;
Road	means any road, pier, wharf, quay, bridge or other work or any land within the harbour premises accessible by vehicles;
Sail board	means a raft with a sail or sails designed to be operated by a person or persons standing upright thereon;
Small vessel	means any vessel of less than 24 metres in length;
Vehicle	means any mechanically propelled vehicle including, without limitation, any of those vehicles referred to in sections 185, 186, 187 and 188 but not any vehicle defined in section 189 of the Road Traffic Act 1988;
Vessel	means a ship, boat, raft of any description and includes non-displacement craft and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and amphibious vehicles during such time as it is in the water.

In these byelaws:

- the expression "Highway Code" has the meaning given to it in section 38(8) of the Road Traffic Act 1988;
- the expression "Collision Regulations" means the 1996 Regulations and any other regulations made pursuant to sections 85 and 86 of the Merchant Shipping Act 1995;
- references to a byelaw are to numbered paragraphs of these byelaws; and
- references to a part are to any part of these byelaws.

# BYELAWS MADE UNDER THE PROVISIONS OF THE MID GLAMORGAN ACT 1987 WITH RESPECT TO PORTHCAWL HARBOUR

## PART I - REGULATING THE USE OF THE HARBOUR AND ASSOCIATED WATERS

### Berthing

#### 1 **Vessel movements**

- 1.1 The master of a vessel shall give reasonable prior notice to the harbour master of the vessel's arrival at, departure from or movement within the harbour.

#### 2 **Vessels to be berthed and moved as directed**

- 2.1 The harbour master shall determine the order in which vessels may enter or leave the harbour and the master of every vessel in the shall moor, or place and keep moored, the vessel where directed by the harbour master and shall move that vessel to or from any berth within the harbour in accordance with any directions which the harbour master may give from time to time.

#### 3 **Provision of proper fenders**

- 3.1 The master and the owner of a vessel shall ensure that she is provided with a sufficient number of fenders of a type that would float in water and a size appropriate to the vessel and, when berthing and leaving or lying at a harbour in order to prevent damage to other vessels and council property.

#### 4 **Vessels to be kept in a movable condition**

- 4.1 The master of a vessel shall not, except when it is unavoidable that his vessel lie 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.
- 4.2 Where at any time a vessel is not capable of being safely moved by means of its own propulsive machinery, the master or owner shall, as soon as reasonably practicable, inform the harbour master and forthwith give to the harbour master any further information which he may reasonably require.

#### 5 **Access across decks**

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

### Navigation

#### 6 **Vessels to navigate with care**

7 The master shall navigate his vessel with such care and caution 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 or other property.

**8 Speed of vessels**

8.1 Within the docks and except with permission of the harbour master the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 3 knots.

8.2 The master of any vessel granted permission by the harbour master to exceed a speed limit shall comply at all times with any conditions attached to that permission, it shall be a defence for the master or operator charged to prove that at the material time the vessel was engaged in an emergency or rescue operation in circumstances where adherence to the speed limit would have been likely to have hindered the use of the vessel for that purpose.

**9 Vessels not to be made fast to aids to navigation**

9.1 The master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

**10 Notification of collisions etc.**

The master of a vessel which:

10.1 has been damaged or caused damage in a collision with any vessel, buoy, beacon or mark used for navigational purposes or any other property; or

10.2 has been sunk or grounded or become stranded in the harbour area or the approaches thereto; or

10.3 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;

shall, as soon as reasonably practicable, report the occurrence to the harbour master and, as soon as practicable thereafter, provide the harbour master with full details in writing and, where the damage is such as to affect or be likely to affect its seaworthiness, the master shall not move the vessel except to moor or anchor in safety otherwise than with the permission and in accordance with the directions of the harbour master.

**11 Navigation while affected by drink or drugs**

11.1 No person shall have the command, charge or management of a vessel underway or otherwise navigate or have the charge of or undertake any activity which is or may be material to the safe conduct of a vessel underway when unfit by reason of drink or drugs to do so or to have that charge.

- 11.2 The master of a vessel shall not cause or permit any person to navigate or otherwise have charge of or undertake any activity which is or may be material to the safe conduct of a vessel underway if that person is unfit by reason of drink or drugs to do so, have that charge or undertake that activity.

### **Fishing**

#### **12 Fishing in docks**

- 12.1 No person shall fish in the docks.
- 12.2 No person shall discard any bycatch or dead fish into the water within the confines of the harbour.

#### **13 Fishing on the Breakwater**

- 13.1 All persons must remove their fishing lines from the path of any vessel on a course to access or egress the harbour.

### **Parking**

#### **14 Observance of the Highway Code**

- 14.1 Subject to any conflicting provisions contained in these byelaws, the rules in the Highway Code shall apply to all persons within the harbour premises.

#### **15 Parking**

- 15.1 No person shall park any vehicle in the harbour area except in the areas permitted for parking as shown [coloured blank] on the plan attached to these byelaws.
- 15.2 Permits must be displayed clearly when parking in these areas.

#### **16 Obstruction and danger to persons or property**

- 16.1 No person in charge of a vehicle shall cause or permit the vehicle to remain at rest on a road in such a position or in such a condition or in such circumstances as may be likely:
- i. to cause danger to other persons using the road; or
  - ii. to obstruct the use of all or any part of any road.

### **Bathing and Diving**

#### **17 Safe Swimming and Bathing**

- 17.1 No person shall engage in swimming or bathing in the harbour and associated water areas except with the consent of the harbour master.
- 17.2 Swimmers may cross the channel at the entrance to the harbour but must do so using the shortest route possible.
- 17.3 Swimmers shall not cross a narrow channel of fairway if such crossing impedes the passage of a vessel.

#### **18 Diving operations (with respiratory support)**

- 18.1 No diving is to take place within the harbour without the prior consent of the harbour master.
- 18.2 Where the harbour master has approved any diving, all persons taking part shall comply with the Diving at Work Regulations 1997 and any instructions given by the harbour master.

### Lockgates

**19 Interference with plant, dock machinery, lockgates etc**

No person shall, without lawful authority:

- 19.1 use, work, move, tamper or interfere with any plant, dock machinery, equipment or apparatus at the harbour premises; or
- 19.2 open, drawn or shut any lockgate, sluice paddle or bridge of any dock basin under control of the council.

**20 Access to lockgates**

- 20.1 No person shall enter or remain or attempt to enter upon any lockgate under the control of the council while it is in motion, or pass over any barrier or gate placed before or across any such lockgate before it is swung, or step on such lockgate before the barrier or gates shall have been removed by an officer or servant of the company on duty at the lockgate, and no person other than such officer or servant shall remove, unfasten or interfere with any such barrier or gate.

### Slipway

**21 Usage**

- 21.1 When using the slipway the master of the vessel will ensure:
  - i. the boat and engine are seaworthy.
  - ii. adequate marine insurance is in place
  - iii. arrangements have been made with the Harbour Master or appointed staff for permission to launch or recover.
- 21.2 The slipway must be kept clear. Vehicles and trailers must not be left unattended on the harbour premises.

### Shoreline restrictions

- 22 With the exception of accredited lifesaving groups or appointed rescue services. No vessels or masters of vessels shall navigate within 50 meters of the beach shoreline referred to in appendix ??

## **PART II - Miscellaneous**

### Waste

**23 Deposit of rubbish, interference with refuse bins etc.**

- 23.1 No person shall:
  - i. abandon, deposit or dump any materials, goods, furniture, machinery or items of any kind or any rubbish, refuse or waste at any place in the harbour premises not specifically appointed by the Council for such purpose; or
  - ii. interfere with the contents of or remove anything from any receptacle, bin, container or place appointed or used for the time being for the deposit or storage of any rubbish, refuse, waste or other discarded items.

**24 Disposal of refuse and waste from vessel.**

- 24.1 The master of a vessel shall ensure that:

- i. Only paper, packaging and food waste are to be placed in the covered receptacles provided for that purpose on the quay by the council;
  - ii. the receptacles are kept closed when not in use; and
  - iii. the area in the vicinity of the receptacles is kept clean.
- 24.2 No person other than a member of the crew of a vessel or person employed, engaged or authorised by the master of a vessel shall dispose of any item of any kind in any receptacle, bin or other container provided for the use of a vessel.

**25 Pumping of Bilges**

- 25.1 The master of a vessel shall not permit bilge water to be pumped from the vessel into the docks unless the written consent of the harbour master shall have been first obtained or unless such action is necessary to avoid his vessel sinking.

**Safety**

**26 Interference with firefighting and lifesaving equipment**

- 26.1 Except with the permission of an authorised officer of the Council, no person shall use, obstruct, remove, interfere or tamper with any firefighting equipment or any lifesaving apparatus except for the purpose of combating fire or saving life.

**27 Fires and naked lights**

- 27.1 No person shall light, or attempt to light, or use any open fire or naked flame within the harbour premises except with the permission of an authorised officer of the Council and subject to such conditions as the Council may prescribe from time to time.

**Security**

**28 Unauthorised entry and trespassing**

- 28.1 No person shall enter or leave or attempt to enter or leave the harbour premises or any area or building within the harbour premises other than by means of an approved entrance or exit.

**29 Damaging or defacing premises**

- 29.1 No person shall damage or wilfully deface any part of the harbour premises or any of the councils property.

**30 Defacing notices, etc**

- 30.1 No person shall destroy or deface any authorised notice, bill or placard.

**31 Affixing notices, etc**

- 31.1 No person shall, without the previous approval of an authorised officer of the Council, affix or cause to be affixed any notice, bill or placard or distribute any notice, bill, leaflet or placard anywhere within the harbour premises.

**32 Obstruction of officers or employees of the Council**

- 32.1 No person shall obstruct:  
(i) any officer of the Council in the proper execution of his duties;



- (ii) any person carrying out an act which is necessary to the proper execution of any contract with the Council: or
- (iii) any other person in proper use of the harbour.

**32 Removal of offenders**

- 32.1 any person offending against any of these byelaws may be removed from the harbour by an officer of the Council.

**Penalty**

- 33.1 Any person offending against any of these byelaws is liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.

**34 Revocation**

- 34.1 The byelaws made by (blank) and confirmed by (blank) on (blank) relating to the harbour are hereby revoked