

THE COLERAINE HARBOUR BYELAWS 2010

Coleraine Harbour Commissioners in exercise of the powers conferred on them by Article 3 of the River Bann Navigation Order (Northern Ireland) 2010 hereby make the following byelaws for the purpose of regulating the use of Coleraine Harbour.

PART 1 PRELIMINARY

Application

- 1.** These byelaws shall apply within the limits of the harbour, which is defined in bylaw 2 and to the harbour premises as defined in that byelaw.

Interpretation

- 2.** In these byelaws –

‘Collision Regulations’ means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

‘the Commissioners’ means the Coleraine Harbour Commissioners as constituted under the River Bann Navigation Order (Northern Ireland) 2002;

‘fairway’ means any navigable channel marked, dredged or maintained by the Commissioners;

‘the harbour’ means the area on the River Bann from the downstream side of the footbridge Bridge at Coleraine to the sea and so much of the sea below high water mark as lies within a distance of five hundred metres from any part of the east pier or the west pier at the mouth of the said river and all inlets and havens whereof the entrances are within those limits and all landing- places, docks, piers , quays and works for the time being vested in the Commissioners or lying within their jurisdiction (other than railways and works connected with railways and road bridges) as defined in Article 3 of The River Bann Navigation Order (Northern Ireland) 2002.

‘harbour master’ means the person appointed as such by the Commissioners and includes his authorised deputies, assistants and any other person authorised by the Commissioners to act in the capacity of harbour master;

‘harbour premises’ means the docks, quays, jetties, stages and all other works, land and buildings for the time vested in the or occupied or administrated by the Commissioners for the purpose of the harbour;

‘ master’ when used in relation to any vessel means the person, for the time being in charge or control of a vessel;

‘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 (and when used in relation of a vehicle includes any part owner or agent or person having charge of the vehicle for the time being);

“personal water craft” means any watercraft (not normally used in navigation and not being a structure which by reason of its concave shape provides buoyancy for the carriage or persons or goods) propelled by a jet engine or other mechanical means or propulsion and steered either –

- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or
- (b) by the person or persons riding the craft using his or their body weight for the purpose; or
- (c) by a combination of the methods referred to respectively in (a) and (b) above.

‘power driven vessel’ mean any vessel which is propelled wholly or partly by mechanical means, and includes a vessel propelled by means of an out-board motor;

‘quay’ means any quay, wharf, jetty, dolphin, landing stage, pontoon or other structure used a for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

‘sailboard’ means a vessel in the form of a raft or other floating board with a sail or sails designed to be navigated or operated by a person or persons standing upright thereon;

‘sailing vessel’ means any vessel under sail whether or not propelling machinery is also fitted;

‘small vessel’ means any vessel or craft less than 20 metres (65.6 feet) in length;

‘under way’ when used in relation to a vessel, means that the vessel is not at anchor or moored or made fast to the shore, or that it is not aground or that it is dropping up or down in the harbour with its anchor on the ground;

‘vehicle’ includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;

‘vessel’ includes any ship, boat, raft or water craft of any description and includes non displacement craft, seaplanes, and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

PART II – NAVIGATION

Declaration of particulars of vessel

3. The master of a vessel arriving at the harbour shall if requested by the harbour master furnish him with a correct statement of-

- (a) the name, call sign and description of the vessel;
- (b) its draught and tonnage;
- (c) the name of the master and the name and address of the owner;
- (d) the last port of call;
- (e) the port or place to which the vessel belongs; and
- (f) particulars of any cargo on board to be loaded or discharged.

Vessels to navigate with caution

4. A master shall navigate his vessel with such care and caution, and at such speeds and in such manner, as not to endanger the lives of or cause injury to persons or damage to property, and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or cause unnecessary damage to moorings, or the river banks or other property.

Approaching craft engaged in dredging or other underwater work

5. The master of a vessel shall at all times, except where it is impracticable to do otherwise, give a wide berth to all dredgers, hoppers, tugs and surveying craft, and shall proceed slowly when passing dredgers or diving boats or in work at a buoy or mooring or in rescue work.

Speed of vessels

6. Except in an emergency, a person shall not, without the express permission of the harbour master, navigate a vessel entering, leaving or using the harbour at a speed exceeding a speed six knots through the water.

Vessels not to obstruct fairway

7 – (1) The master of a small vessel whether under power or sail 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 in the fairway, and shall give such vessels a clear course and as wide a berth as safe navigation requires.

(2) A master shall not permit his vessel to enter or cross a fairway except when the fairway in the vicinity of the vessel is clear, nor in a manner, which may impede or endanger other vessels navigating the fairway.

(3) The master of a vessel crossing, turning or manoeuvring in a fairway shall so navigate it as not to hamper, impede or cause damage to any other vessel.

Vessels not to be made fast to navigational buoys etc

8. The master of a vessel shall not make fast to or lie against any navigational buoy, light, beacon, seamark, or tide board within the harbour.

Notification of collisions etc.

9. The master of the vessel which-

(a) has been involved in a collision with any vessel or property, or has been sunk or grounded, or is sinking, or become stranded in the harbour limits; or

(b) 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 report the occurrence to the harbour master, and as soon as reasonably practicable thereafter provide the harbour master with full details in writing and, where the damage to a vessel is such as to affect or be likely to affect its seaworthiness, 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.

Navigation under influence of drink or drugs prohibited

10. A person shall not navigate any vessel in the harbour limits whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

Persons under 16 years of age

11. A person under the age of 16 years shall not navigate or operate anywhere within the harbour limits, a power driven vessel which is capable of attaining a speed through the water in excess of 6 knots, unless in possession of an appropriate Royal Yachting Association qualification or equivalent, or unless accompanied by a competent and responsible person of 16 years or over, and no person shall cause or permit any person under the age of 16 years to navigate or operate such a vessel unless so qualified or accompanied.

Bright lights

12. A person shall not exhibit in the harbour, searchlights, floodlights or other bright lights other than those for indicating emergency or distress, in such a manner as to endanger navigation, unless the consent of the harbour master has first been obtained.

PART III - BERTHING AND MOORING

Vessels to be properly secured

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

Provision of proper fenders

14. The master and 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 or leaving, or lying at that quay or against other vessels, the master shall cause the vessel to be fended off from a quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be kept in a moveable condition

15. – (1) The master of a seagoing vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first seeking permission of 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 anytime not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbour master as soon as reasonably practicable and give to him any further information which the harbour master may reasonably require.

Use of engines while vessel moored or berthed

16. The master of a vessel, which is at a quay within the harbour, shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the quay or to the bed or banks of the harbour or to any other vessel or property.

Vessels adrift

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

Lights on vessels at moorings

19. The requirement under rule 30(b) of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 for vessels of less than 50 metres in length to display an all-round white light when at anchor shall not apply to small vessels which are secured to permanent yacht moorings in the harbour but such vessels shall, if required to do so by the harbour master display such a light.

Laying down moorings, buoys and other tackle etc

- 19.** – (1) A person shall not lay down or move any mooring, buoy, or similar tackle without prior written consent of the harbour master.
(2) The owner or any other person claiming ownership of a mooring, buoy or similar tackle shall as soon as reasonably practicable remove it if the harbour master so directs.

Fouling of moorings etc

- 20.** If at any time an anchor of a vessel fouls any moorings or pipes laid in the bed, or electric or other cables within the harbour, the master of the vessel shall, as soon as reasonably practicable, give notice to the harbour master and shall if it is safe and practicable await his instructions before proceeding to clear the same.

PART IV – CRANES

Exclusive use of Commissioners' cranes

21. A person shall not, without the written consent of the harbour master use a crane belonging to any person other than the Commissioners on any of the quays or harbour premises.

Use of cranes

22. A person shall not use a crane hired from the Commissioners on the quays or other harbour premises –

- (a) to lift articles of a weight heavier or of a nature different from those which he declared to the harbour master at the time of hiring that it was his intention to lift;
or
- (b) for a purpose other than a purpose so declared and approved by the harbour master.

PART V – MANNING AND CONTROL OF VESSELS

Vessels and machinery to be effectually silenced

23. – (1) A person shall not operate within the harbour a power driven vessel propelled by an engine unless the engine is fitted with a silencer or suitable arrangement for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine.

(2) A person shall not operate machinery on a vessel within the harbour so as to give reasonable cause for annoyance to any other person.

Vessels to have names marked on them

24. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act, 1894 and marked accordingly shall ensure the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Commissioners.

Inspection facilities etc. to be made available to the harbour master

25. The master of a vessel shall, so far as the harbour master in the exercise of his duties may require him, afford the harbour master access to any part of his vessel and provide all reasonable facilities for its inspection and examination.

Abandonment etc. of vessels prohibited

26. – (1) A person shall not abandon any vessel on the banks or the shore of the harbour.

(2) For the purpose of paragraph (1) of this byelaw a person who leaves a vessel on the banks or shore of the harbour in such circumstances or for such a period, that he may reasonably be assumed to have abandoned it there intentionally, unless the contrary intention is shown.

PART VI – GOODS AND VEHICLES AND USE OF HARBOUR PREMISES

Requirements as to handling and movements of goods in harbour etc.

- 27** - (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 harbour authority or the harbour master otherwise agrees.
- (2) The owner of any goods shall comply with such directions as the harbour master 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.

Obstruction or Interference at Harbour Premises

- 28.** - (1) a person shall not except with the permission of the harbour master, deposit or place on any part of the harbour premises any goods so as to obstruct any road, building, mooring place, plant , machinery or apparatus or the access thereto; or
- (2) without lawful authority, use, work, move or tamper with any plant, machinery, equipment or apparatus at the harbour premises.

Parking of vehicles

- 29.** – (1) A person shall not park or leave a vehicle in any place where it is likely to obstruct or interfere with the use of the harbour premises or in any part of the harbour premises where the parking of vehicles is prohibited and notice of such prohibition has been erected by the harbour master.
- (2) Any notice erected under this byelaw shall be conspicuously posted in or in proximity to the place which it relates.

- (3) If the harbour master so directs the owner of a vehicle parked and left in contravention of this byelaw, and if the owner fails to comply with the harbour master's direction or cannot reasonably be found the harbour master may have the vehicle moved.

Speed limit for vehicles

- 30.** Except in an emergency, a person shall not allow a vehicle to proceed anywhere on the harbour premises at a speed greater than 10 miles per hour.

Driving restrictions

- 31.** A person shall not drive any vehicle on or over any road, bridge, quay, caisson or other place in contravention of any notice that may be posted up in a conspicuous place at the entrance or approach to such place specifying or limiting the class size or weight of the vehicle allowed to enter or pass over that place.

Young persons in vehicles

- 32.** – (1) A person having control of a vehicle and being accompanied by a young person shall not permit the said young person to leave the confines of the drivers cab without the prior consent of the harbour master
(2) For the purposes of this byelaw a young person is an individual being less than 16 years of age.

Denial of vehicular access

- 33.** The Commissioners may deny access to any vehicle seeking admission to or while on harbour premises.

Precautions to be taken in loading and discharging

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

Loads not to spill or drop

- 35.** The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

Loads to be secured

- 36.** The owner, driver or any person having charge of a vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured 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

- 37.** A person shall not within the harbour premises charge or recharge any vehicle, with or empty it of fuel, except with the permission of the harbour master.

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 damage is caused to any property, shall stop the vehicle and report the accident and shall give his name and address to the harbour master as soon as reasonably practicable.

PART VII – WATER SPORTS AND RECREATION

Conduct of Regattas etc

39. – (1) The organiser of any race, regatta or other occasion when a number of small craft is expected to assemble on the waters of the harbour shall obtain the permission of the harbour master and shall give not less than fourteen days notice thereof to the Harbourmaster.

(2) All regattas, races or similar events shall be conducted on recognised courses in accordance with conditions and at times previously approved with the harbour master.

(3) The harbour master may cancel or alter any conditions of such approval on giving where reasonably practicable notice to the organiser at least seven days before the proposed date of the event

(4) The harbour master may delay, postpone or cancel any event in consultation with the organiser in the case of bad weather or large commercial vessel movement, or other conditions that may affect the safety of the participants and the safe navigation of craft.

Water Ski-ing , Aqua-planing etc

40. - (1) A person shall not engage or take part in water ski-ing, aqua-planing in the harbour except with the written permission of the Harbour Commissioners, given either specifically or generally, and only in the area as may be designated by the Harbour Commissioners and in accordance with such reasonable conditions as the Harbour Commissioners may impose.

(2) A master using his vessel for the purpose of towing a water-skier or a person aqua-planing 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 and shall carry –

- (a) for each person on board, a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the (British Marine Industries Federation) approved type, two hand- held distress signals and a fire extinguisher ;
- (b) for each person water ski-ing or aqua-planing, a rescue quoit with line or other sufficient hand-thrown rescue device.

(3) A person shall not engage in kiting or parachute-towing in the harbour without the prior written consent of the Harbour Commissioners, given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Commissioners.

Swimming

41 A person shall not swim in the harbour except with the permission of the Harbour Commissioners, given either specifically or generally, and only in the area as may be designated by the Harbour Commissioners and in accordance with such reasonable conditions as the Harbour Commissioners may impose.

Personal Watercraft

42. A person shall not operate or cause to be operated a personal watercraft except with the written permission of the Harbour Commissioners given either specifically or generally, and only in the area designated by the Harbour Commissioners and in accordance with such reasonable conditions as the Harbour Commissioners may impose.

PART VIII - GENERAL

Denial of access to persons

43. The Commissioners may deny access to any person or persons seeking admission to, or while on, the harbour premises.

Dogs

44. A person in charge of, or otherwise responsible for the control of a dog when on harbour premises or on a vessel in the harbour if so directed by the harbour master shall keep that dog under proper control and effectively restrained from causing annoyance to any person.

Fireworks

45. – (1) A person shall not discharge any firework within the limits of the harbour without the consent of the harbour master.

(2) A person shall not set off any distress flares within the harbour except in emergency situations or with permission of the harbour master.

Fire precautions

46. – (1) The master of a vessel in the harbour shall take all reasonable precautions for the prevention of accidents by fire and shall not permit flammable materials or liquid to be loaded into or discharged from the vessel unless all reasonable measures have been taken to obviate risk of such accident.

(2) A person working or employed in any part of the specified premises shall not, unless authorised in writing by the Harbour Commissioners, strike or kindle any flame or fire or operate apparatus capable of producing combustion, or carry any flame or fire whether covered or naked:

Provided that nothing in this byelaw shall prohibit:

- (a) in the saloons, cabins, crew's quarters and galley, or for the purpose of heating main or donkey boilers, the use of fires consuming only fuels approved by the harbour master or in oil burning vessels, fuel oil with a flash point not lower than 65 degrees Celsius, or
- (b) the use of lights at places where smoking is permitted;
- (c) the proper use of apparatus employed in the business of ship repairing in or on a vessel the master of which has a written permit issued by the harbour master licensing that use.

(3) A person working or employed at the specified premises shall not carry matches or other means of ignition on his person, or in any part of his clothing or otherwise, in any part of the specified premises and the harbour master or a police constable may search any person so working or employed whom he suspects to be in possession of matches or other means of ignition and (without prejudice to the penalty prescribed) may take and destroy them.

(4) In this byelaw "specified premises" means:

- (i) the docks and wharves
- (ii) the quays and piers used in connection therewith;
- (iii) the sheds and warehouses of the Harbour Commissioners on or adjoining the said jetties, quays and piers; and

(iv) the ships and vessels from time to time therein.

Smoking

47. A person shall not smoke tobacco or any herb or other substance whatsoever on the harbour premises.

- a. where smoking is expressly prohibited by the Commissioners by a notice exhibited in a conspicuous position ;
- b. if requested by the harbour master not to do so in any part of the harbour premises where smoking may in his opinion be dangerous.

Discharges into Harbour

48. – (1) A person shall not throw, discharge, or cause or permit the discharge or escape of, any waste, rubbish or other material or thing, whether solid or liquid, into the waters of the harbour from or at the quays or from any part of the shores of the harbour, or from any vessel lying within the harbour.

(2) The master of a vessel shall take all reasonable precautions to prevent articles or things falling from his vessel into the waters of the harbour.

Deposit of Refuse

49. A person shall not without the written consent of the Harbour Master deposit refuse on the harbour premises except in suitable receptacles approved by the harbour master.

Lifesaving equipment

50. A person shall not use any equipment provided by the Commissioners for the purpose of lifesaving except for that purpose.

Loudhailers or amplifiers

51. A person shall not use loudhailers or amplifiers within the harbour so as to give reasonable grounds for annoyance to any other person.

Meetings

52. A person shall not without the prior written consent of the Commissioners:

- (a) take part in any meeting; or
- (b) gather together with other persons, or deliver any address to any audience or gather together any persons whereby any work or business at the Harbour premises or the control, management of or use of the harbour premises is, or is likely to be, obstructed, impeded or hindered.

Loading discharging or transfer of fuel oils

53. – (1) A person shall not proceed with the loading, discharging or transfer of fuel oils, lubricating oil or other pollutant liquid in excess of 1000 litres by pipe either on to a vessel or on to harbour premises unless the proposed operation has been previously notified to the harbour master.

(2) All requirements or instructions relating to the said operation given by the harbour master must be complied with.

(3) Records of all such transactions shall be kept and include details of names, dates type and quantity of fuel and produced for inspection as requested.

Obstruction of Officers and Employees of the Commissioners

54. A person shall not intentionally obstruct any officer or employee of the Commissioners in the execution of his or her duties.

Vessels employed in diving

55. – (1) A person shall not undertake underwater operations or diving activates of any kind within the harbour limits without the prior written consent of the harbour master.

(2) A person shall not dive from a vessel within the harbour limits unless there is a lookout in the vessel at all times while such person is in the water.

(3) In this byelaw “diving” includes that form of diving known as sub-aqua diving and “dive” shall be construed accordingly.

Revocation

56. The byelaws relating to the harbour at Coleraine made by the Coleraine Harbour Commissioners in October 1886 are hereby revoked.

Saving of crown or other rights

57. Nothing contained in any of the foregoing byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore and sea bed below high water mark of any estate or interest in or right over any such part of the foreshore and sea bed, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously effect the rights and interests of the Crown in such foreshore and sea bed, or prevent the exercise thereon of any public rights or prejudice or injuriously effect any right, power or privilege legally exercisable by any person in over and in respect if the foreshore and sea bed.

Present when the Common Seal of the Coleraine Harbour Commissioners was affixed hereto this 9th day of March 2011.

Chairman

General Manager

The foregoing byelaws are hereby confirmed by the Department for Regional Development this 15th day of March 2011 and the byelaws shall come into operation on 18th April 2011.

The Official Seal of the Department for Regional Development was affixed hereto in the presence of:

The Official Seal of the Department for Regional Development was affixed hereto in the presence of:

BRD White
A Senior Officer of the Department

Witness

Note

In accordance with section 92(1) of the Local Government Act (Northern Ireland) 1972 as amended by Article 6(5) of the Fines and Penalties (Northern Ireland) Order 1984, Article 2(4) of and Schedule 4 to the Criminal Penalties, etc. (Increase) Order (Northern Ireland) 1984, Article 3(2) of the Criminal Justice (Northern Ireland) 1994 and as modified by Article 3(2)(C) of the River Bann Navigation Order (Northern Ireland) 2010, every person who shall offend against any of the foregoing byelaws shall be liable on conviction to a fine not exceeding level 4 (£2,500) on the standard scale and, in the case of a continuing offence, a further fine not exceeding £2 for each day during which the offence continues after conviction therefore.