



PADSTOW HARBOUR COMMISSIONERS

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Port & Harbour Byelaws 1991

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The Padstow Harbour Commissioners, in exercise of the powers conferred on them by Articles 17 and 18 of the Padstow Harbour Revision Order 1987 and of all other powers them enabling, hereby make the following byelaws.

PART I - PRELIMINARY

TITLE AND COMMENCEMENT

1. These byelaws may be cited as the Padstow Port and Harbour Byelaws 1991 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the secretary of State.

APPLICATION

2. These byelaws shall apply to all parts of the Port, the limits of jurisdiction of which are defined in byelaw 3 hereof, and to the harbour estate as defined in byelaw 3 hereof.

INTERPRETATION

3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

"The Commissioners" means the Padstow Harbour Commissioners as defined by the Padstow Harbour Revision Order 1987;

"The Port" means the area shown on the port limits plan (Plan No.1) annexed to these byelaws, being the area within the limits of a line from Pentire Point (50 degrees 35.2 minutes North, 4 degrees 56.05 minutes West) to the outside of Newland Rock (50 degrees 35.55 minutes North, 4 degrees 56.85 minutes West) to the outside Gulland Rock (50 degrees 34.32 minutes North, 4 degrees 59.9 minutes West) to Stepper Point (50 degrees 34.12 minutes North, 4 degrees 56.8 minutes West) including all the branches or creeks of the Rivers Camel and Allen so far as the tide flows, and includes Padstow Harbour and the Approaches to Padstow Harbour;

"Padstow Harbour" means the Inner Harbour, South Dock and Outer Basin at Padstow and the wharves, quays, piers and jetties which enclose the said Inner Harbour, South Dock and Outer Basin and includes all areas of water and all parts of the bed of the River Camel within 100 metres of any part of any of the said wharves, quays, piers and jetties;



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"The Approaches to Padstow Harbour" means all those channels or areas of water Within the Port which lie between latitude 50 degrees 32.3 minutes North and latitude 50 degrees 32.8 minutes North and are West of longitude 4 degrees 55.9 minutes West, as are shown for the purpose of illustration only on Plan No. 2 annexed to these byelaws;

"Padstow Moorings" means that area of the Port in which are situated small craft moorings and which is bounded on its northern side by line of latitude 50 degrees 32.3 minutes north and on its southern side by line drawn from Dennis Hill Obelisk in position 50 degrees 31.75 minutes north, 4 degrees 59.5 minutes west to Porthilly point in position 50 degrees 32.4 minutes north, 4 degrees 54.95 minutes west and being within 200 metres of the high water mark of ordinary spring tides, as is shown for the purpose of illustration only on Plan No. 2 annexed to these byelaws;

"The Pool Moorings" means that area of the Port in which are situated small craft moorings and which is bounded on its northern side by line of latitude 50 degrees 32.8 minutes north and on its eastern side by line of longitude 4 degrees 55.7 minutes west and on its southern side by line of latitude 50 degrees 32.55 minutes north and on its western side by line of longitude 4 degrees 56 minutes west, as is shown for the purpose of illustration only on Plan No. 2 annexed to these byelaws;

"Rock Moorings" means that area of the Port in which are situated small craft moorings and which is bounded on its western side by a line drawn from the shoreward end of the jetty at Rock in position 50 degrees 32.65 minutes North, 4 degrees 55.45 minutes West due South to position 50 degrees 32.55 minutes North, 4 degrees 55.55 minutes West, thence to position 50 degrees 32.3 minutes North, 4 degrees 55.1 minutes West and thence to Porthilly Point in position 50 degrees 32.4 minutes North 4, 4 degrees 54.95 minutes West, including the waters of Porthilly Cove, as is shown for the purpose of illustration only on Plan No. 2 annexed to these byelaws;

"Board Sailing" means the navigation or operation of a sail board, and "wind surfing" has a like meaning; "Sailboard" means a vessel in the form of a raft with a sail or sails and designed to be navigated or operated by a person or persons standing upright thereon;

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

"Fire Brigade" means the brigade provided under Section I of the Fire services Act 1947 for the area in which Padstow Harbour is situated;



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"Goods" means all articles and merchandise of every description and includes fish, livestock and animals;

"The Harbour Estate" means the docks, piers, wharves, quays, berths, roads, bridges, sheds and other works and conveniences and the lands, buildings and property, of every description and of whatever nature, which are for the time being vested in or occupied by the Commissioners for the purposes of the Port;

"The Harbour Master" means the Harbour Master appointed by the Commissioners pursuant to Article 13 of the Padstow Harbour Revision Order 1987 and includes his authorised deputies and assistants and any person authorised by the Commissioners to act in that capacity;

"Hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"The level of high water" means the level of mean high water springs;

"Master" when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being;

"Mooring" includes any buoy, pile, post, chain, pillar, sinker or like apparatus or convenience used for mooring of vessels;

"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, charterer (including but not limited to a charterer by demise) 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 other than a vessel includes any part-owner or agent or person having charge of the vehicle for the time being;

"Parascending" means any activity wherein a person or persons are towed by or carried on a power driven vessel with the intention that the person or persons so towed or carried shall become airborne by virtue of their being harnessed to a kite, parachute, balloon, glider or similar apparatus;

"Power driven vessel" means any vessel which is propelled wholly or partly by machinery;



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"Prolonged blast" means a blast of from four to six seconds duration; **"Short blast"** means a blast of about one second's duration; **"Whistle"** includes any efficient whistle, siren or horn;

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

"Sailing Vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

"Small Vessel" means a vessel of less than 24 metres in length;

"Vehicle" includes any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes, and includes a hovercraft or any other amphibious vehicle;

"Vessel" means a ship, boat or 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 includes a hovercraft or any other amphibious vehicle or a hydrofoil or a seaplane;

"Water-skiing" means any activity wherein a person or persons are towed by a power driven vessel and are supported on skis or a disc or sled or inflatable tube or cylinder or similar apparatus, and "aquaplaning" has a like meaning;

PART II - NAVIGATION

APPLICATION OF COLLISION REGULATIONS.

4. The master of every vessel in any part of the Port shall observe and obey the rules contained in Schedule I to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989.

VESSELS TO NAVIGATE WITH CARE.

5. Without prejudice to the provisions of byelaw 4 of these byelaws the 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 or discomfort to persons or damage any property, and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, river banks or other property, or unreasonably interfere with the wildlife habitat, and shall cause his vessel to proceed slowly when passing a vessel engaged in dredging or other underwater work or activity or in work at a buoy or mooring or in rescue work.



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NAVIGATION UNDER THE INFLUENCE OF DRINK AND DRUGS PROHIBITED.

6.(1) No person shall navigate any vessel in the Port whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

(2) No master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this byelaw.

SPEED OF VESSELS.

7. Subject to byelaw 5 of these byelaws and the Collision Regulations no person shall, without the express permission of the Harbour Master, operate a power driven vessel or cause or permit a power driven vessel to be operated:-

(a) within any area prescribed in schedule 1 hereto at a speed in excess of 8 knots over the ground;

(b) within any area prescribed in Schedule 2 hereto at a speed in excess of 5 knots over the ground;

(c) elsewhere in the Port at a speed in excess of 40 knots over the ground; provided that this byelaw shall not apply to any vessel on any occasion when it is being used for the Commissioners' operations or for police or firefighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it is being used on that occasion.

(Byelaw 7 was amended by the Padstow Harbour Byelaws 1996)

PERSONS-UNDER 16 YEARS OF AGE.

8. No person under the age of 16 years shall navigate or operate anywhere within the Port a power driven vessel which is capable of attaining a speed through the water in excess of 8 knots unless in possession of an appropriate Royal Yachting Association qualification or unless accompanied by a competent and responsible person of 16 years or over, and no person shall cause or permit or encourage any person under the age of 16 years to navigate or operate such a vessel unless so qualified or accompanied.

SMALL VESSELS NOT TO OBSTRUCT FAIRWAY.

9. The master of a small vessel which is not confined to a fairway shall not intentionally make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

VESSELS MEETING.

10. If a channel is restricted for any reason so as to make it unsafe for two vessels to pass one another when proceeding in opposite directions, the master of the vessel which is stemming the tide shall give way to the other vessel.



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OBSTRUCTION OF BLACK TOR FERRY PROHIBITED.

11. The master of a vessel shall not navigate, manoeuvre, place, moor or anchor it so as intentionally to obstruct or impede the operation of the Black Tor ferry which normally plies between Padstow Harbour and Rock.

PART III - VESSELS

VESSEL MOVEMENT.

12. The master of a vessel which trades to sea shall, unless it is not practicable so to do, give prior notice to the Harbour Master of the vessel's arrival at, departure from, or movement within the Port.

DECLARATION OF PARTICULARS OF VESSEL.

13. The master of any vessel arriving at the Port shall, if requested, furnish to the Harbour Master a declaration, in the form to be obtained from him, a correct statement of:

- (a) the name, call sign and description of the vessel;
- (b) its draught and tonnage (or in the case of a hovercraft its gross weight);
- (c) the name of the master and the name and address of the owner;
- (d) the place from which the vessel has arrived;
- (e) the port or place to which the vessel belongs;
- (f) particulars of any cargo;

provided that if the master of a small vessel is unable to declare its tonnage he may instead declare its overall length.

VESSELS NOT TO BE MADE FAST TO NAVIGATION BUOYS OR MARKS

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

VESSELS ADRIFT

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

NOTIFICATION OF COLLISIONS ETC

16. The master of a vessel which;

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded, or become stranded in the Port; 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 as soon as reasonably practicable report the occurrence to the Harbour Master,



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and 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.

VESSELS NOT TO OBSTRUCT FREE PASSAGE

17. The master of a vessel shall not cause or permit the vessel to manoeuvre, come to anchor or to be moored or placed so as intentionally to obstruct in any manner whatsoever the free passage of vessels in the Port.

PROTRUDING OBSTRUCTIONS

18. The master of a vessel berthed within the Port shall ensure that his vessel's anchors are securely housed and that all projections (other than projections which are integral parts of the vessel) are stowed within the vessel's rail, and that outboard motors are adequately fendered.

INSPECTION FACILITIES ETC TO BE MADE AVAILABLE TO THE HARBOURMASTER

19. The master of a vessel shall, so far as he may be required by the harbour master in the exercise of his duties, afford the Harbour Master access to any part of his vessel and provide all reasonable facilities for its inspection and examination.

VESSELS NOT TO BE FUMIGATED WITHOUT PERMISSION

20. The master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

LAUNCHING OF VESSELS

21. Unless he has the permission of the harbour master no person shall launch a vessel into the Port except from a public launching place or from a suitable private slip. Notices indicating public launching places shall be conspicuously posted by the harbour master in proximity to the places to which they relate.

VESSELS TO BE EFFECTIVELY SILENCED

22. No person shall operate within the Port a power driven vessel unless the engine is fitted with a silencer suitable for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine .

UNSAFE VESSELS

23. (1) The master of a vessel shall not take his vessel into the Port without the permission of the Harbour Master if his vessel:

(a) is or may be in danger of foundering or sinking or is incapable of being safely



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navigated; or

(b) is on fire, or has been on fire at any time within the period of 14 days ending on the day on which his vessel is ready to enter the Port.

(2) The master of a vessel which, in the opinion of the Harbour Master, is, or is likely to become unsafe or in danger of sinking shall, if the Harbour Master so directs, forthwith remove it from the Port or to any part of the Port specified by the Harbour Master.

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, or as a fishing vessel under the Merchant Shipping Act 1988, and marked accordingly, shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Commissioners.

REGISTRATION OF VESSELS

25. The owner of a vessel normally kept within the Port shall register the same with the Harbour Master forthwith and shall thereafter register the vessel at intervals of not more than one year, and shall inform the Harbour Master of the place where the vessel is kept.

CHANGE OF OWNERSHIP OF VESSELS

26. On any change in the ownership of a vessel kept within the Port the parties to the change shall ensure that immediate written notification is given to the Harbour Master.

PART IV - SIGNALS AND LIGHTS

UNNECESSARY SIGNALS

27. The master of a vessel shall not cause his vessel's whistle to be blown except to make the necessary signals as prescribed in the Collision Regulations or in any byelaw or to attract attention to a state of emergency or for testing purposes or race control.

BRIGHT LIGHTS

28. No person shall exhibit in the Port searchlights, floodlights or other bright lights or pyrotechnics 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.



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SOUND SIGNALS FOR VESSELS NOT UNDER COMMAND OR UNABLE TO GIVE WAY

29. If for any reason the master of a power driven vessel or of a vessel not under command cannot perform his duty to give way to an approaching vessel, or if it is unsafe or impracticable for him to keep his vessel out of the way of a sailing vessel, the master shall signify the same by one prolonged blast followed by two short blasts on the vessel's whistle, and thereupon it shall be the duty of the approaching vessel or sailing vessel to keep out of the way of such power driven vessel or vessel not under command.

PART V - BERTHING , MOORING AND ANCHORING

VESSELS TO BE MOORED ETC, AS DIRECTED

30. The master and crew of a vessel in the Port shall moor, anchor, berth and move, and shall cease to moor, anchor, berth and move such vessel in accordance with the directions given from time to time by the Harbour Master.

VESSELS TO BE PROPERLY BERTHED

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

PROVISION OF PROPER FENDERS

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

COMPETENT PERSON TO BE IN CHARGE OF VESSELS AND TO NOTIFY ANY ACCIDENT, FIRE, ETC

33. The master of any vessel which normally trades to sea shall ensure that a responsible person who is competent to move the vessel and to attend to the mooring of the vessel as the harbour master may direct or as may be necessary remains on board or is readily available throughout the period that the vessel is in the Port, and in the event of any danger, accident, disturbance or fire within Padstow Harbour such person shall as soon as reasonably practicable give an alarm and notify the Harbour Master, or any other officer of the Commissioners, who shall summon the fire brigade to the fire unless the person giving the alarm has already done so.



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ACCESS ACROSS DECKS

34. The master of a vessel alongside a quay or alongside a vessel already berthed within Padstow Harbour shall, if required so to do by the harbour master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

VESSELS NOT CAPABLE OF BEING SAFELY MOVED

35. When a vessel other than a small vessel is at any time 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 shall give to him any further information he may reasonably require.

USE OF ENGINES WHILE VESSEL MOORED OR BERTHED

36. The master of a vessel which is at a quay or attached to any mooring device within Padstow Harbour shall not permit the engines of his vessel to be worked except with the permission of the Harbour Master.

VESSELS NOT TO MAKE FAST TO UNAUTHORISED OBJECTS

37. No person shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

USE OF MOORINGS ETC. BELONGING TO OR CONTROLLED BY THE COMMISSIONERS

38. Except with the permission of the Harbour Master no person shall cause or permit his vessel to be moored at a mooring belonging to or controlled by the Commissioners, nor at any steps or any landing place within Padstow Harbour.

LOST ANCHOR, CABLE OR PROPELLER

39. (1) The master of a vessel which has slipped or parted from, or lost, any anchor, chain, cable or propeller shall as soon as reasonably practicable give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbour Master so directs, shall take all reasonable steps to cause it to be recovered as soon as practicable.

(2) The master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position of it as soon as reasonably practicable.



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PART V1 - GOODS AND VEHICLES AND USE OF HARBOUR ESTATE

REQUIREMENTS AS TO HANDLING AND MOVEMENT OF GOODS IN PADSTOW HARBOUR

40. (1) The master of a vessel in Padstow Harbour shall during the time employed in loading or discharging the vessel remain or leave some other person on board competent to superintend the loading or discharging.

(2) The owner of any goods loaded or discharged in Padstow Harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours (Sundays and Public Holidays excepted) unless the Harbour Master otherwise agrees or the requirements of H.M. Customs and Excise make removal impracticable within that period.

(3) The owner of any goods shall comply with such directions as the Harbour Master may give from time to time for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour estate.

PRECAUTIONS AGAINST GOODS ETC FALLING INTO THE PORT OR ONTO THE HARBOUR ESTATE

41. 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 harbour master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the Port or onto the harbour estate.

OBSTRUCTION AT THE HARBOUR ESTATE

42. (1) No person shall, except with the permission of the Harbour Master, deposit or place on any part of the harbour estate any goods or impediment so as to obstruct any road, building, mooring place, plant, machinery, fire hydrant or other apparatus, or the access thereto, and any such goods or impediment may be removed by the Harbour Master.

(2) No person shall without lawful authority use, work or move any plant, machinery, equipment, fire hydrant or other apparatus on the harbour estate.

(3) No person shall so range fishing gear as to obstruct any quay or the working space behind any quay without the prior permission of the Harbour Master.

PARKING OF VEHICLES.

43. (1) No person shall park or leave a vehicle in any place where it is likely to obstruct or interfere with the use of the harbour estate, or in any part of the harbour estate where the parking of vehicles is prohibited and notice of such prohibition has been erected by the harbour master.



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(2) Any notice erected under paragraph (1) of this byelaw shall be conspicuously posted in or in proximity to the place to which it relates.

(3) If the harbour master so directs, the owner of a vehicle parked or left in contravention of paragraph (1) of this byelaw shall remove the same to a place where it does not contravene the byelaw and if the owner fails to comply with the harbour master's direction or cannot reasonably be found the harbour master may remove the vehicle.

SAFE DRIVING OF VEHICLES

44. No person shall drive or otherwise operate a vehicle on the harbour estate without due care and attention or without reasonable consideration for other persons using the harbour estate, or without being in possession of an appropriate driving licence or authorisation and covered by third party insurance.

SPEED LIMIT FOR VEHICLES

45. No person shall drive or allow a vehicle to proceed anywhere on the harbour estate at a speed greater than 10 miles per hour.

SUPERVISION OF VEHICLES

46. A person having charge of a vehicle on the harbour estate shall at all times comply with any directions of the Harbour Master for the loading, discharging, manoeuvring and removal thereof, and shall not:

- (a) leave the vehicle unattended anywhere on the harbour estate except with the permission of the Harbour Master or at an authorized parking place; or
- (b) take it into any shed or working area except with the permission of the Harbour Master.

EXCEPTION FOR EMERGENCY SERVICES

47. The foregoing byelaws 42,43,44,45 and 46 shall not apply to the providers of emergency services when attending the harbour estate for the purpose of dealing with an emergency.

LOADS NOT TO LEAK, SPILL OR DROP

48. (1) The owner, driver or other person having charge of a vehicle on the harbour estate shall not permit any substance to leak, spill or drop from the vehicle.

(2) This byelaw shall not apply to any spillage of clean water or to any spillage from a vehicle in which fish are being transported in bulk where the spillage could not have been reasonably prevented.

LOADS TO BE SECURED

49. The owner, driver or other person having charge of a vehicle on the harbour estate shall ensure that any load carried thereon or therein is properly secured and



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that it complies with all statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

REFUELLING ETC. OF VEHICLES

50. No person shall on the harbour estate charge or recharge any vehicle with, or empty it of, fuel except with the permission of the Harbour Master.

ACCIDENTS TO BE REPORTED

51. Any person driving or otherwise operating a vehicle involved in an accident on the harbour estate whereby any injury is caused to any person, or any damage is caused to any property, shall stop the vehicle and report the accident to the Harbour Master as soon as reasonably practicable, and shall give his name and address to the Harbour Master; provided that such reporting shall be without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985.

PART VII – SAFETY, HEALTH ETC

DUMPING IN WATERS OF THE PORT PROHIBITED

52. Except with the permission of the Harbour Master, no person shall deposit, throw, unload, put or suffer to fall any spoil, gravel, ballast or substance which has been used as ballast, or any stones, earth, mud, ashes or refuse into the waters of the Port or onto the shores thereof below the level of high water.

PREVENTION AND REMOVAL OF OBSTRUCTIONS

53. No person shall intentionally place or permit any obstruction or impediment within the waters of the Port not allowed by any enactment. Any such obstruction or impediment may be removed by the Harbour Master who may give directions with respect to such obstruction or impediment and as to the time and manner in which it shall be removed.

DRIFT OR TRAWLING NETS NOT TO OBSTRUCT VESSELS

54. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including, in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

FIRE PRECAUTIONS

55 (1) No person shall burn or heat any flammable matter or have or permit any fire or light on any vessel in the Port:-

- (a) in such a manner as to cause danger of fire; or
- (b) without due precautions to prevent danger of fire on or to such



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vessel or elsewhere.

(2) No person shall light a fire or permit a fire to be lighted on any part of the harbour estate except with the permission of the Harbour Master.

(3) No tanks, containers or other facilities used for storage or transport of flammable materials shall be repaired within Padstow Harbour or on the harbour estate with hot rivets, welding or burning equipment until the operators of such equipment have ensured that such facilities have been rendered safe for the making of repairs and that all necessary precautions to prevent fire or explosion from the use of such equipment have been taken.

FIRE EXTINGUISHING EQUIPMENT TO BE AVAILABLE FOR USE AT ALL TIMES

56. The master of every vessel within the limits of Padstow Harbour, with the exception of rowing boats and other similar light non-powered vessels, shall have adequate fire-extinguishing equipment available for immediate use in any part of the vessel at all times and the nature and amount of such equipment shall take into account any abnormal fire risk associated with any such vessel.

SMOKING

57. No person shall smoke or carry a lighted pipe, cigar or cigarette within the harbour estate:-

(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 estate where smoking or carrying a lighted pipe, cigar or cigarette may in his opinion be dangerous.

EXPLOSIVES AND DANGEROUS GOODS

58. The master of every vessel within the Port loading, unloading or having on board explosives or dangerous goods (including highly flammable goods) shall display "Explosives" and/or "No Smoking" signs as relevant in a prominent position on the vessel. This is without prejudice to any obligations to display signs and flags under the Dangerous Substances in Harbour Areas Regulations 1987 and subsequent statutes.

FIREWORKS ETC.

59. No person shall within the Port or on the harbour estate ignite any firework or other explosive substance, provided that this byelaw shall not preclude the proper use of any lawful distress signals or race starting guns loaded with blank cartridges, or pyrotechnic displays authorized by the Harbour Master.



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CONTROL OF ANIMALS AND REPTILES

60. The master of a vessel or any other person having the charge of any animal or reptile shall take precautions to secure it at all times while in the Port or on the harbour estate.

LOUDHAILERS AND AMPLIFIERS

61. No person shall use loudhailers or amplifiers within the Port so as to cause a nuisance.

PART VIII - WATER SPORTS ETC.

WATER-SKIING AND AQUAPLANING ETC.

62. No person shall within the Port engage or take part in, or operate a power driven vessel for the purpose of, waterskiing aquaplaning or any similar waterborne activity except in such area or areas of the Port as the Commissioners may from time to time designate for the purpose, and in accordance with, such reasonable conditions as the Commissioners may impose.

JET SKIS, POWERBOARDS, WATERBIKES AND AQUA SCOOTERS ETC.

63. No person shall operate or cause to be operated a jet ski, powerboard, water-bike or aqua-scooter, or any similar type of personal watercraft within the Port except in such area or areas as the Commissioners may from time to time designate for the purpose and in accordance with such reasonable conditions as the Commissioners may impose.

BOARDSAILING AND WINDSURFING

64. No person shall engage or take part in boardsailing or windsurfing in the main buoyed fairway between Padstow Harbour and Trebetherick Point, and boardsailors wishing to cross the fairway shall do so by the shortest possible route.

PARASCENDING

65. No person shall engage in or take part in, or shall operate a power driven vessel for the purpose of parascending or any similar waterborne or airborne activity within the Port except with the written permission of the Commissioners, given either specifically or generally and then only in such area or areas of the Port as the Commissioners may from time to time designate for that purpose and in accordance with such reasonable conditions as the Commissioners may impose.

WATERSKIING, AQUAPLANING, PARASCENDING - ADDITIONAL PERSON AND EQUIPMENT

66. The master of a vessel being used for the purpose of towing a water-skier or a



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person aquaplaning or parascending 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 or person aquaplaning or parascending, and shall carry:

(a) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specifications or a personal buoyancy aid of the Ship and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher of approved type in accordance with British Standard 5306 Part 3 (Portable Fire Extinguishers) and suitable to the risk; and

(b) for each person waterskiing or aquaplaning or parascending a rescue quoit with line or other sufficient hand-thrown rescue device.

SUB AQUA ACTIVITIES

67. No person shall engage in or take part in under water swimming operations or sub-aqua diving or sub-aqua swimming or any similar activity except with the permission of the Harbour Master and in accordance with such reasonable conditions as he may impose. Nothing in this byelaw shall authorize any operation on the seabed or foreshore below the level of high water which is under the management of the Duchy of Cornwall without the consent of the Duchy of Cornwall having first been obtained.

CONDUCT OF REGATTAS ETC.

68. The organiser of any regatta, boat race or any other occasion when a number of vessels is expected to assemble on the waters of the Port shall obtain the permission of the Harbour Master and for the purpose of obtaining permission shall give not less than fourteen days' notice to the Harbour Master. All races and similar events shall be conducted on courses and at times previously approved by the Harbour Master.

FISHING AND BATHING

69. (1) No person shall fish in Padstow Harbour without the permission of the Harbour Master.

(2) No person shall without the permission of the Harbour Master jump or dive into or swim within Padstow Harbour or within the Approaches to Padstow Harbour.

PART IX - MISCELLANEOUS AND GENERAL

RESTRICTIONS ON PLACARDS ETC.

70. Except with the permission of the Harbour Master no person shall on the harbour estate publicly exhibit any bill, placard or notice, or distribute any leaflet, pamphlet or circular, nor attach any such document to or write upon any part of the harbour estate.



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NO DRAGGING OR GRAPPLING WITHOUT PERMISSION

71. No person shall drag or grapple for any material or article, nor remove the same from the bed of any water area of the Port without the written permission of the Harbour Master, except for the purpose of immediate recovery of an object dropped overboard.

ABANDONMENT ETC. OF VESSELS PROHIBITED

72 (1) No person who owns or has charge of a vessel shall intentionally abandon, break up, set fire to or otherwise destroy that vessel on the banks or shore of the Port except with the permission of the Harbour Master.

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

ASSISTANCE TO FIRE AND OTHER SERVICES

73. The Master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

INTOXICATED OR DISORDERLY PERSONS

74. No person shall be in a state of intoxication within Padstow Harbour or on the harbour estate, or shall use any threatening, abusive, indecent, obscene, profane or offensive language, or be guilty of riotous, disorderly, indecent, or offensive conduct, to the annoyance or hindrance of any other person, or so as to interfere with, obstruct or hinder the use of Padstow Harbour or the harbour estate or any work being carried on therein.

OBSTRUCTION OF OFFICERS OF THE COMMISSIONERS

75. No person shall intentionally obstruct any officer or employee of the Commissioners in the execution of his duties.

UNAUTHORIZED TRADING PROHIBITED

76. On the harbour estate no person shall engage by way of trade in buying or selling any goods or property without the written consent of the Commissioners meetings.

MEETINGS

77. Except with the consent of the Harbour Master, no person shall on the harbour estate:-

- (a) take part in any general meeting or
- (b) gather together or deliver an address to an audience, or gather together any



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persons; Whereby any work or business at Padstow Harbour, or the control, management or use of the harbour is, or is likely to be, obstructed, impeded or hindered.

PART X - PENALTIES, DEFENCES, CROWN RIGHTS and REVOCATION OF BYELAWS

PENALTIES

78 (1) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the power conferred on him by these byelaws, shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine as follows: (a) for the contravention of byelaws 24,25,26,43,51,60,70,76 and 77, not exceeding level 2 on the Standard Scale; (b) for the contravention of any other byelaw, not exceeding level 3 on the Standard scale.

(2) Where the commission by any person of an offence under these byelaws is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with and convicted of, the offence by virtue of this byelaw, whether or not proceedings are taken against any other person.

DEFENCES

79(1) In any proceedings for an offence under these byelaws it shall be a defence for the person charged to prove: (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence, or that he had a reasonable excuse for his act or failure to act.

(2) If in any case the defence provided by paragraph 1(a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave or the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that person as was then in his possession.

CROWN RIGHTS

80. Nothing contained in any of these byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Duchy of Cornwall, as owners of the foreshore and seabed below the level of high water, of any estate or interest in, or right over such foreshore, seabed or any part thereof, nor shall anything contained in or done under any of the provisions of these byelaws in any respect prejudice or injuriously affect the rights and interest of the Duchy of Cornwall in such foreshore or seabed.



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REVOCATION OF BYELAWS

81. The Padstow Harbour Byelaws confirmed on 4th November 1931 and 31st July 1961 are hereby revoked.

Given under the Common Seal of the Padstow Harbour Commissioners 4th day of December 1990.

Frank T Sluman - Chairman

John Hinchliffe – Clerk

L.S

The Secretary of State for Transport hereby confirms the foregoing byelaws as modified.

Signed on behalf of the Secretary of State for Transport
5th day of April 1991.

M W Jackson

An Assistant Secretary in the Department of Transport

SCHEDULE 1

Areas of the Port in which the eight knots speed limit shall apply

Padstow Harbour

The Approaches to Padstow Harbour

The Pool Moorings

Rock Moorings

Padstow Moorings

O1d Town Cove (South of the Camel Trail) Pinkson Creek (South of the Camel Trail)

SCHEDULE 2

Areas of the Port in which the five knots speed limit shall apply

Little Petherick Creek (South of the Camel Trail)

That part of the Port which is East of Line of Longitude 4 degrees 53.81 minutes West, but only to the North of a line of buoys laid on a general West-East bearing from a point with approximate coordinates 50 degrees 31.10 minutes North and 4 degrees 53.81 minutes West to a point with approximate coordinates 50 degrees 31.91 minutes North and 4 degrees 51.3 minutes West, as shown for purposes of illustration only on Plan No. 3 annexed to these byelaws. That part of the port which is south of Trevilling Quay and Line of latitude 50 degrees 31.4 minutes North



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NOTES

(These notes do not form part of the Byelaws)

1. Damage to Property

In addition to any liability under these Byelaws it is an offence under the Criminal Damage Act, 1971 for any person without lawful excuse to destroy or damage any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

2. Oil in Navigable Waters

Under the Prevention of Oil Pollution Act, 1971 and the merchant: shipping (Prevention of Oil Pollution) Regulations, 1983 it is an offence to discharge any oil, or mixture containing oil, or to allow it to escape into certain areas including the whole of the limits of jurisdiction of the Commissioners and areas seaward of those limits.

3. Coast-Protection

Under sections 18 and 34 of the Coast Protection Act 1949 it is an offence, subject to certain exceptions, to remove sand, shingle, gravel, earth and other material from the seashore; Without the Written consent of the Secretary of State for Transport, to deposit objects or materials on the seashore below the level of mean low water springs if the operation causes or is likely to cause obstruction or danger to navigation.

4. Pilotage

The Padstow Harbour Commissioners are a Competent Harbour Authority for the purposes of the Pilotage Act, 1987.

Information about pilotage arrangements can be obtained from the Harbour Office.

5. Licensing of Boatmen and of Moorings.

Attention is drawn to the provisions of the Padstow Harbour Revision Orders 1973 and 1987, copies of which can be inspected in the Harbour Office. The 1973 Order requires a boatman to obtain a licence from the Padstow Harbour Commissioners for the operation of a passenger vessel operating for hire or reward within or from the Port of Padstow and carrying not more than 12 passengers. Article 26 of the 1987 Order requires a person wishing to lay down, place, alter, renew, extend or maintain a mooring, buoy or similar apparatus within the Port of Padstow to obtain a licence from the Commissioners.

6. Litter and Pollution

It is an offence under the Environmental Protection Act 1990 to drop litter on the harbour estate or the harbour surroundings; and it is an offence under the Control of Pollution Act 1974 to cause pollution of a river or coastal Water by poisonous,



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noxious or offensive matter or liquid.

7. Standard-scale of Fines.

The Criminal Justice Act 1982 provided for a standard scale of fines for summary offences. At the time these byelaws were confirmed, the relevant levels, as amended by the Criminal Penalties (Increase) Order 1984, were:-

Level 2 £100

Level 3 £400

These sums may be altered by further Statutory Orders from time to time in light of changes in the value of money.

2012 NOTE

Level 2 Currently £500

Level 3 Currently £1000



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PADSTOW PORT AND HARBOUR BYELAWS 1996

The Padstow Harbour Commissioners in exercise of the powers conferred on them by Articles 17 and 18 of the Padstow Harbour Revision Order 1987 and of all other powers thereunto enabling them, hereby make the following byelaw.

TITLE AND COMMENCEMENT

1. These byelaws may be cited as the Padstow Port and Harbour Byelaws 1996 and shall come into operation fourteen days after the date of their confirmation.

INTERPRETATION

2. In these byelaws the words or expressions “**The Commissioners**”, “**The Port**”, “**Collision Regulations**”, “**The Harbour Master**” and “**Power Driven Vessel**” have the same meanings as are assigned to them in Byelaw 3 of the Padstow Port Harbour Byelaws 1991, and “Schedule 1” and “Schedule 2” means the Schedules appended to those Byelaws.

3. In these Byelaws, and in Byelaw 8 of the Padstow Port and Harbour Byelaws 1991 and “Schedules 1 and 2” appended to those byelaws, “**Knot**” means one international nautical mile (1852 metres) per hour.

SPEED OF VESSELS

4. Byelaw 7 of the Padstow Port and Harbour Byelaws 1991 is hereby revoked and there shall be substituted for it the following provision:

“SPEED OF VESSELS

7. Subject to Byelaw 5 of these Byelaws and the Collision Regulations no person shall, without the express permission of the Harbour Master operate a power driven vessel or cause or permit a power driven vessel to be operated:-

(a) within any area prescribed in Schedule 1 hereto at a speed in excess of 8 knots over the ground;

(b) within any area prescribed in Schedule 2 hereto at a speed in excess if 5 knots over the ground;

(c) elsewhere in the Port at a speed in excess of 40 knots over the ground;

Provided that this Byelaw shall not apply to any vessel on any occasion when it is being used for the Commissioners’ operations or for police or firefighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it is being used on that occasion.”



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and this provision shall be constructed and read as if incorporated with the said Byelaws.

Made this 15th day of February 1996.

THE COMMON SEAL of the Padstow Harbour Commissioners was hereto affixed in the presence of:

Frank T Sluman – Chairman

John Hinchliffe – Clerk

The Secretary of State for Transport hereby confirms the foregoing Byelaws.

Signed on behalf of the Secretary of State for Transport this 26th day of April 1996.

J D Hewes,

An Under Secretary in the Department of Transport.

NOTE

(This note does not form part of the Byelaws)

The international nautical mile (1852 metres) differs very slightly, by just over one metre, from the traditional British standard nautical mile, now obsolete, which at 6080 feet equalled 1853.18 metres.