

The Swanage Pier Company

# SWANAGE PIER BYELAWS 2012

BYELAWS made by The Swanage Pier Company, in exercise of powers conferred by of Section 83 of the Harbour, Docks and Piers Clauses Act 1847 (incorporated into the Swanage Pier Act 1859<sup>1</sup> by section 1 thereof) and Section 33 of the Swanage Pier Order 1895 (as confirmed by the Pier and Harbour Orders Confirmation (No 2) Act 1895<sup>2</sup>) and all other powers enabling them including section 57 of the Criminal Justice Act 1988<sup>3</sup>, hereby make the following byelaws

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<sup>1</sup> 1859 c. lxxvii. (22 & 23 Victoria)

<sup>2</sup> 1895 c. iv. (59 Victoria)

<sup>3</sup> 1988 c. 3

## The Swanage Pier Byelaws 2012

1. TITLE AND COMMENCEMENT. These Byelaws may be cited as the Swanage Pier Byelaws 2012. These Byelaws shall come into operation on the expiration of fourteen days after the date of confirmation by the Secretary of State.
2. APPLICATION. These Byelaws shall apply to all parts of the limits of Swanage Harbour and to Swanage Pier.
3. INTERPRETATION. In these Byelaws, unless otherwise expressly provided, the following expressions shall have the meanings:

"By day" means between sunrise and sunset.

"By night" means between sunset and sunrise.

"The Collisions Regulations" means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulation 1996<sup>4</sup>.

"The Company" means the Swanage Pier Company and/or its successors or authorised agents as Harbour Authority for the Swanage Pier.

"Goods" means wares, merchandise articles or things of any description whatsoever.

"The Harbour Master" means the Harbour Master for the time being appointed by the Company and shall include duly authorised deputies and assistants.

"Length" in relation to any Vessel means the length overall.

"Master" when used in relation to any Vessel means the Master or any person whether the Owner, Master, Agent or other person either lawfully or wrongfully for the time being having or taking command, charge or management of such Vessel.

"Motor car" and "motor cycle" means vehicles so defined in section 136 of the Road Traffic Regulation Act 1984<sup>5</sup>.

"Owner" when used in relation to goods, shall be understood to include any consignor, consignee, shipper, or agent for sale or custody of such goods, as well as the owner thereof.

"Petrol Vessel" means a Power Driven Vessel the motive power of which, whether principal or auxiliary, is supplied by petroleum spirit (as defined in the Petroleum (Consolidation) Act 1928).<sup>6</sup>

"Power Driven Vessel" means any Vessel propelled by machinery.

"Small Vessel" means any Vessel the length of which does not exceed 10 metres and the draught of which does not exceed 1.5 metres.

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<sup>4</sup> SI 1996/75

<sup>5</sup> 1984 c. 27

<sup>6</sup> 1928 c.32

"Swanage Harbour" means the area of sea shown edged red on the map annexed to these Byelaws lying within the enclosed waters of the following positions from Swanage Pier 2 Fixed Red Lights in position Latitude 50° 36'.53N Longitude 001° 56.86W and "the Harbour" shall be construed accordingly.

Position a	Bearing	226½° (T)	Distance	315m (Toll Booth) Shore
Position b	Bearing	231° (T)	Distance	205m
Position c	Bearing	243° (T)	Distance	215m
Position d	Bearing	295½° (T)	Distance	120m
Position e	Bearing	039° (T)	Distance	210m
Position f	Bearing	092° (T)	Distance	210m
Position g	Bearing	156½° (T)	Distance	105m
Position h	Bearing	217° (T)	Distance	185m (Buck Shore)

"Swanage Pier" means the quays and piers as defined in the Pier and Harbour Orders Confirmation (No 2) Act 1895<sup>7</sup> together with all landing places, works, buildings, structures and conveniences now and hereafter existing thereon or connected thereto and "the Pier" shall be construed accordingly.

"Trailer" means a vehicle not being self-propelled, the only method of propulsion of which is by means of being towed or otherwise propelled by another vehicle.

"Under way" when used in relation to Vessel means a Vessel when not at anchor or moored or made fast to the shore or aground and for this purpose a Vessel dropping up or down the Harbour with her anchor on the ground shall not be regarded as at anchor.

"Vessel" means any vessel, ship, lighter, keel, wherry, barge, boat, raft, hulk, pontoon, floating or submersible container, houseboat or craft of any kind whatsoever however navigated, propelled or moved.

### **Management of Vessels while entering, leaving or within the Harbour**

#### 4. GENERAL REGULATIONS AS TO NAVIGATION OF VESSELS

(1) The Master of every Vessel within the Harbour shall navigate that Vessel:-

(a) with care and caution and at a speed so as not to endanger the lives of, or cause injury to, persons, or endanger the safety of, or cause damage to, any other Vessel or any mooring or any other property of any kind whatsoever, whether real or personal.

(b) with special care and caution when passing any other Vessel, whether moored, anchored or under way including any such Vessel or buoy bearing the International 'A' Flag.

(2) The Collision Regulations shall apply to the Harbour.

#### 5. SIGNALS ON THE PIER

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<sup>7</sup> 1895 c. iv. (59 Victoria)

(1) The Master of a Vessel shall, whilst the Vessel is under way within the Harbour, obey the instructions signified by any such signal as is specified in Paragraph (2) of this Byelaw, as and when displayed from time to time by the Harbour Master from the Pier PROVIDED that the compliance by the Master of a Vessel with the requirements of this Byelaw shall not relieve such Master of responsibility for the safety of the Vessel, or of the need to comply with the provisions of any enactment for the time being applying to the Harbour (including any Regulations or Byelaws made under such enactment).

(2) The Signals mentioned in Paragraph (1) of this Byelaw are set out in Column A hereunder indicating the Signals which will be shown by Day or Night; each Signal vertically displayed shall convey the meaning and instruction respectively assigned to it in Column B hereunder:-

<b>A</b>	<b>B</b>
Three Red Lights	A Vessel is leaving or about to leave the Harbour and no other Vessel may approach the Harbour in such a way as to obstruct the Harbour.
Three Green Lights	A Vessel is approaching the Harbour from seaward and no Vessel may leave that part of the Harbour.

#### 6. NOTICE OF ARRIVAL

(1) All commercial Vessels wishing to use the facilities of the Pier must give the Company twenty-four hours prior notice, unless in an emergency.

(2) The Master of any Vessel arriving at the Harbour shall (if requested by the Harbour Master) provide to the Harbour Master details of:-

- (a) the name and description of the Vessel
- (b) the draught of the Vessel
- (c) the tonnage of the Vessel
- (d) the name of the Master
- (e) the place from which the Vessel has arrived
- (f) the port or place to which the Vessel belongs
- (g) full particulars of the Cargo or Passengers.

(3) Any information requested by the Harbour Master under paragraph (2) of this Byelaw shall be provided within twenty-four hours of such request.

#### 7. ANCHORING OF VESSELS GENERALLY AND SLIPPING ETC. OF ANCHORS, CHAINS AND CABLES

(1) The Owner or Master of a Vessel in the Harbour shall ensure that such Vessel has proper cables, chains or hawsers for the purpose of anchoring or fastening such Vessel.

(2) The Master of a Vessel shall not put down any anchor whether at moorings or in any other place in the Harbour except:-

- (a) in cases of emergency

- (b) for the purpose of swinging as part of a manoeuvre; or
- (c) with the previous consent of the Harbour Master.

(3) Where the Master of a Vessel puts down an anchor in case of an emergency, the anchor shall be taken up as soon as practicable.

(4) The Master of a Vessel which has slipped, parted from or lost any anchor, chain or cable within the Harbour shall forthwith give notice thereof to the Harbour Master and of the position of such anchor, chain or cable, and, if the Harbour Master so directs, shall cause such anchor, chain or cable to be recovered as soon as practicable.

(5) Where the Harbour Master consents under paragraph (2)(c) of this Byelaw to the putting down of an anchor from any Vessel, or where any Vessel slips, parts from or loses any anchor, chain or cable, the Harbour Master may direct the Master of such Vessel to comply with any direction given to such person by the Harbour Master under this paragraph

(6) No person shall fasten any Vessel to a navigational or marking buoy.

(7) If any Vessel be fastened to a marking buoy the Harbour Master may cast off the rope or chain with which the Vessel is fastened, or may direct the Master of such Vessel to so cast off, and no Master of a Vessel shall without reasonable excuse neglect or refuse to so cast off, provided that before the Harbour Master shall take any steps to moor, unmoor or anchor a Vessel or to weigh anchor, or to place or move the Vessel, he shall ensure that there are sufficient persons on board to attend the Vessel during such operation.

(8) No person shall, without the permission of the Harbour Master, fasten any Vessel to any property of the Company whether real or personal, or to anything on land within the Harbour other than the mooring buoys, bollards and rings provided by the Company for that purpose.

#### 8. VESSEL'S ANCHOR ETC. TO BE READY TO LET GO IN EVENT OF EMERGENCY

The Master of a Vessel within the Harbour shall have the Vessel's anchor and cable or chain ready to let go in the event of any emergency requiring their use for the safety of such Vessel or any other Vessel or any property of any kind or any person.

#### 9. VESSEL'S ANCHOR HOOKING MOORINGS

If at any time the anchor of a Vessel hooks any moorings within the Harbour the Master of such Vessel shall not proceed to unhook the same but shall forthwith give notice thereof to the Harbour Master in order that aid may be given for clearing such moorings or cables without doing damage to the same.

#### 10. REMOVAL OF ANCHORS FOR PURPOSE OF DREDGING OR CLEANSING HARBOUR

Whenever the Harbour Master shall deem it necessary for the purpose of dredging or cleansing the Harbour that any anchor lying in the bed of the Harbour shall be removed therefrom, the Master of a Vessel to which such anchor belongs or is attached shall within three days after notice in writing has been given to such person by the Harbour Master remove such anchor from the bed of the Harbour.

#### 11. NOTICE TO BE GIVEN TO HARBOUR MASTER WHEN VESSEL SINKS OR GROUNDS

The Master of a Vessel which has sunk or grounded within the Harbour shall forthwith give to the Harbour Master notice thereof, together with the position of such Vessel and such particulars as may be required by the Harbour Master for the safety of navigation or protection of amenities. The Master of a Vessel which is attached to another Vessel for the purpose of towing or manoeuvring the same, shall be bound to give the notice required by this Byelaw in the event of such other Vessel sinking through accident or other cause.

12. NOTICE TO BE GIVEN TO HARBOUR MASTER WHEN VESSEL IN DANGER OF FOUNDERING OR SINKING

If a Vessel is in danger of foundering or sinking from any cause the Master of a Vessel, if such Vessel exceeds 10 metres in length, shall inform the Harbour Master of the circumstances before entering the Harbour and shall only enter the Harbour with the Harbour Master's permission. The Master of a Small Vessel shall where practicable inform the Harbour Master of the circumstances before entering the Harbour or if this is not practicable as soon as possible after entering the Harbour and shall in any case on entering the Harbour conform with the directions given by the Harbour Master as to the navigation and berthing of such Small Vessel.

13. VESSELS IN TOW, SUNK OR STRANDED

(1) The Master of a Power Driven Vessel within the Harbour having any Vessel in tow shall attend upon such towed Vessel until the same is properly moored.

(2) In the event of the Vessel being towed or about to be towed or manoeuvred sinking through accident or any other cause whatsoever, the Master of every Power Driven Vessel towing that Vessel or attached thereto for the purpose of towing or manoeuvring the same shall carry out the directions of the Harbour Master as to lighting and buoying the sunken Vessel.

(3) The Owner or Master of a Vessel sunk or stranded in the Harbour shall weigh and remove the same within a reasonable time of being requested to do so by the Harbour Master.

(4) The owner or Master of a Vessel sunk or stranded in the Harbour shall carry out the directions of the Harbour Master as to lighting, buoys and removing such Vessel.

14. MASTER OF VESSEL TO REPORT COLLISION CAUSING INJURY OR DAMAGE

The Master of a Vessel shall forthwith report to the Harbour Master any collision within the Harbour in which the said Vessel is involved and in which injury or damage shall have been caused to any other Vessel, or any other property of any kind whatsoever whether real or personal, or any person.

15. COMPETENT PERSONS TO BE LEFT IN CHARGE OF CERTAIN SEA-GOING VESSELS WHEN MASTERS ARE ABSENT

Except by permission of the Harbour Master the Master of any Vessel within the Harbour (other than a Small Vessel having permanent berthing arrangements therein) shall not absent themselves from such Vessel without leaving in charge thereof some person who shall continue in attendance on the Vessel while it is afloat and is qualified and competent to move the Vessel and attend to the moorings of the Vessel as the Harbour Master may direct or as may be necessary. That person shall attend to the moorings of the Vessel and to the sufficiency thereof and shall cause them to be slackened or hove in from time to time as may be necessary on the rise and fall of the water to prevent damage being done to the Vessel or to any other Vessel or to any property whether real or personal within the Harbour.

16. SETTING FIRE TO OR BREAKING UP VESSELS AND WRECKS OF VESSELS

Subject and without prejudice to the powers and duties of Receivers of Wreck under part IX of the Merchant Shipping Act 1995, Owners, Masters or other persons shall not set fire to, break up or attempt to break up or cause to be set on fire or broken up any Vessel or wreck of a Vessel in the Harbour without the previous written permission of the Harbour Master.

17. NO DREDGING OR GRAPPLING FOR ARTICLES ETC., TO TAKE PLACE WITHOUT PERMISSION

Dredging or grappling for any article or thing shall not take place within the Harbour without the previous written permission of the Harbour Master.

18. SCRAPING OR FUMIGATING OF VESSELS

(1) The Master of a Vessel in the Harbour shall not without reasonable excuse scrape or fumigate such Vessel or cause or permit the same to be scraped or fumigated so as to cause a nuisance or annoyance to any person within the Harbour.

(2) The Master of a Vessel in the Harbour shall during all the time the Vessel is being repaired or scraped, cause a proper sail or tarpaulin to be provided to the satisfaction of the Harbour Master in order to prevent any substance of any kind whatsoever from falling into the waters of the Harbour.

(3) Suitable screens to prevent damage to eyes from all welding operations shall be installed to obscure welding glare from shore.

19. SEA-GOING VESSELS NOT AGROUND TO BE CAPABLE OF BEING SAFELY MOVED

Every sea-going Vessel when not lying aground shall be kept at all times so loaded or ballasted or in such condition as to be capable of being safely moved.

20. VESSELS AT BERTHING AREAS TO GIVE PASSAGE OVER DECKS FOR PERSONS AND STORES IN CERTAIN CIRCUMSTANCES

The Master of a Vessel occupying a berth alongside the Pier or alongside any Vessel already berthed within the Harbour shall, if directed so to do by the Harbour Master, give free means of passage over the deck of that Vessel for persons and stores to and from Vessels berthed alongside the Vessel.

21. GANGWAYS AND STAGES USED FOR ACCESS TO OR EGRESS FROM VESSELS

The Master of a Vessel in the Harbour shall cause all gangways and stages used for the purposes of access to or egress from such Vessel to be placed in a safe position, duly protected and securely fastened, and to be so maintained at all times when in use.

22. LIGHTS OVER HATCHWAYS AND GANGWAYS

The Master of a Vessel berthed alongside the Pier shall by Night:-

(1) provide a sufficient light over any hatchway at which work of loading or unloading is proceeding, and

(2) provide two sufficient lights at any gangway, one light to be fixed at the Vessel end of the gangway and the other light to be fixed at the Pier end of the gangway.

### 23. WORKING OF ENGINES OF POWER DRIVEN VESSELS

(1) Without prejudice to paragraphs (3) and (4) of this Byelaw no person shall without reasonable excuse work the engines of a Power Driven Vessel in the Harbour for trial or cause the same to be so worked without the previous consent of the Harbour Master.

(2) For the purposes of the preceding paragraph of this Byelaw the expression "trial" does not include the normal warming through of engines before moving off.

(3) No person shall without reasonable excuse work the engines of a Power Driven Vessel in the Harbour in such a manner that injury or damage is caused to the bed of the Harbour or Pier or to any other Vessel or to any other property of any kind whatsoever whether real or personal.

(4) No person shall without reasonable excuse work the engines of a Power Driven Vessel over 10 metres in length or having a draught in excess of one metre when such Vessel is attached to the Pier except either (a) for the purpose of navigating to or from a berth or (b) with the previous consent of the Harbour Master.

(5) No Master of a Vessel propelled by means of an internal combustion engine which can reasonably be fitted with a silencer for reducing as far as may be practicable the noise caused by the escape of the exhaust gases from the engine shall navigate or operate such Vessel in the Harbour unless such engine is so fitted.

### 24. NO VESSEL LYING IN HARBOUR TO HAVE PROJECTIONS OUTSIDE HER HULL

No Vessel lying in the Harbour shall have accommodation ladders, side ladders, boats hanging in davits or any other projections of any kind whatsoever outside her hull save that nothing in this Byelaw shall prohibit the use of stern davits, stern-mounted engines or with the written permission of the Harbour Master side ladders used for the recovery of sub-aqua divers.

### 25. ORGANISATION OF REGATTAS ETC.

The organiser of any boat race, regatta or any other occasion when a number of Small Vessels is expected to assemble in the Harbour, shall give not less than fourteen days' notice thereof to the Harbour Master. All regattas or championship races or similar events shall be conducted on courses and at times previously approved by the Harbour Master. Any alteration or cancellation required by the Harbour Master shall, if practicable, be notified to the organiser at least seven days before the proposed date of the event.

### 26. CONDUCT OF SMALL VESSELS AT REGATTAS ETC.

The Master of every Small Vessel in the Harbour on the occasion of any boat race, regatta or any other occasion when a number of Small Vessels is assembled therein shall not without reasonable excuse permit it to pass therein so as to obstruct, impede or interfere with the boat race, regatta or occasion, to endanger the safety of persons assembling in the Harbour, or prevent the maintenance of order therein, and the Masters of Small Vessels shall observe any directions of the Harbour Master in that regard save that nothing in this Byelaw shall prevent the application of the Collision Regulations when any Vessels come within risk of collision.



27. SUB-AQUA DIVING ACTIVITIES ETC.

When persons are engaged in sub-aqua diving activities within the Harbour they must adhere to the following Byelaws -

(1) Unless diving within the structures of the Harbour a Surface Marker Buoy shall be shown, or an 'A' Flag flown on the attendant Vessel.

(2) When red or green lights are displayed as described in Byelaw 5(2) no diving shall take place in that part of the Harbour as is shown hatched black on the map annexed to these Byelaws.

(3) No diving will take place so as to interfere with safe navigation of Vessels using the Harbour facilities.

### **Goods and Passengers**

28. DIRECTIONS OF HARBOUR MASTER AS TO GOODS, PASSENGERS AND REGULATION OF TRAFFIC

(1) The Masters and Owners of Vessels in the Harbour and all receivers and shippers of goods, carriers and others engaged in and at the Harbour shall obey directions of the Harbour Master in regard to the loading and unloading of goods, embarking and landing of passengers, and of traffic generally.

(2) Passengers or crew shall not be landed from or embarked upon any Vessel at berths other than those berths which shall be authorised by the Harbour Master for such purposes.

29. CARGO TO BE LOADED AND PASSENGERS EMBARKED ETC. AS SOON AS PRACTICABLE AFTER VESSEL ENTERS HARBOUR

The Master of every Vessel entering the Harbour for the purpose either solely or in common with any other purpose, of loading or unloading cargo, or of embarking or landing passengers, shall do so as soon as practicable after entering therein.

### **Fire**

30. A VESSEL THAT IS ON FIRE, OR WAS ON FIRE, OR SUSPECTED OF BEING ON FIRE, OR PRESENTS A RISK TO THE HARBOUR

No Vessel that is on fire, or was on fire, or suspected of being on fire, or presents a risk of fire may remain in the Harbour without the permission and subject to any directions of the Harbour Master.

31. ACTION TO BE TAKEN ON OUTBREAK OF FIRE ON BOARD VESSEL IN HARBOUR

In case of an outbreak of fire on board a Vessel within the Harbour the Master of the Vessel shall take immediate action with the Vessel's fire fighting equipment and ensure that the Fire Brigade and the Harbour Master are notified at the earliest possible moment, and if practicable also give warning by the continuous sounding of the Vessel's whistle.

32. AT LEAST ONE PERSON TO BE ON BOARD VESSEL AT PIER WHEN FLAME OR FIRE USED ON SUCH VESSEL

Whilst any naked flame or fire shall be used on board a Vessel at or alongside the Pier the Master of such Vessel shall provide and keep at least one person on board who shall be specially charged with the care of such flame or fire.

33. NO GOODS TO BE PLACED OR STORED SO AS TO OBSTRUCT ETC. FIRE APPLIANCES

No person shall place or store goods on the Pier in such manner as to obstruct or delay the free access to, or the use of, any hydrant or other appliance of any kind whatsoever for the prevention or fighting of fire.

34. PERSONS SMOKING IN HARBOUR

No person shall smoke within or near to any of the offices, warehouses, stores, buildings or sheds or near to or amongst any goods on the Pier, nor elsewhere within the Harbour, if directed by the Harbour Master not to do so.

## General

35. OBSTRUCTION ETC. OF HARBOUR MASTER

No person while within the Harbour shall without reasonable excuse obstruct the Harbour Master or any other officer, workman, agent or person employed by the Company in the performance of their duty, or in the execution of any of the work, matters or things to be done by them.

36. HARBOUR MASTER'S POWER TO BOARD VESSELS

The Master of any Vessel in the Harbour shall permit the Harbour Master to board such Vessel at such time as the Harbour Master may reasonably desire for the purpose of inspecting such Vessel and any goods therein

37. USE OF PIER, STAGES, CRANES ETC. IN HARBOUR

No person shall use or attempt to use the Pier, or any stage, crane, machine, weight or measure erected or provided by or belonging to the Company in the Harbour except by permission of the Harbour Master, and in accordance with such terms and conditions and during such time allowed in that behalf by such permission.

38. VEHICLES ON THE PIER

(1) No person shall without first obtaining the permission of the Harbour Master or obtaining a parking ticket, place or leave or cause to be placed or left any vehicle, motor car, motor cycle, trailer or any other vehicle or carriage upon the Pier not being a highway provided always that such authority shall not be required in respect of a vehicle engaged on the pier in the business of loading, unloading or carriage of goods.

(2) No vehicle placed or left on the Pier not being a highway shall be placed or left in a position which interferes with the free and uninterrupted passage of any other vehicle.

(3) Save in pursuance of (1) above, no person shall without reasonable excuse place, use or drive on any part of the Pier any vehicle or any stall, cart, barrow, truck, bicycle, roller skates, roller blades, skate boards or any other carriage, mobile structure or equipment of any description except with the permission of the Harbour Master.

(4) No person shall use any vehicle or trailer on the Pier for sleeping, camping, cooking or sanitary purposes unless authorised by the Harbour Master.

(5) No person shall intentionally obstruct the free passage on, to or from any part of the Pier.

39. USE OF LOUDHAILERS, WHISTLES ETC. IN HARBOUR SO AS TO CAUSE NUISANCE OR ANNOYANCE

Except in case of emergency or for the purpose of complying with any Byelaw of the Company or the Collision Regulations no person shall use or sound loudhailers, whistles or amplifiers within the Harbour so as to cause nuisance or annoyance to any other person.

40. PLACING OF FISHING NETS AND LOBSTER POTS ETC. WITHIN THE HARBOUR

(1) Fishing nets and lobster pots must not be placed within the Harbour without the written permission of the Harbour Master and any such nets and pots so placed without permission may be moved to a position outside the Harbour or removed by the Harbour Master if causing danger or inconvenience to Vessels using the Harbour facilities.

(2) The owner of such nets and pots will be liable to pay the Company's reasonable costs in moving or removing the same, including any costs of storage once removed.

41. SERVICE OF NOTICES ETC. ISSUED OR GIVEN BY THE HARBOUR MASTER

Any notice, direction, consent, permission or other document of any kind whatsoever, which may be issued or given by the Harbour Master under the authority of any of the foregoing Byelaws and is in writing, may, if personal service is impracticable, be served on the person to whom it is addressed, provided that such person is the Master or Owner of the Vessel to which such notice, direction, consent, permission or document relates, either by affixing it to some prominent part of such Vessel or by posting it on the notice board at the entrance to the Pier.

### **Social Use of the Pier**

42. SOCIAL USE

(1) Every holder of a ticket or pass shall produce and show such ticket or pass when required to do so by a duly authorised officer of the Company or shall in default pay the authorised toll or charge. Any authorised officer not in uniform shall produce a duly authenticated document showing his authority if required to do so.

(2) No person shall without the prior consent of the Company take, drive or entice any dog or other animal on to the Pier or have any dog or other animal under their charge on the Pier unless in the case of a dog it is carried or held on a leash.

(3) No person shall without reasonable excuse bathe or attempt to bathe, dive or jump in the sea from the Pier.

(4) No person bathing in the sea shall without reasonable excuse land or attempt to land or climb upon the Pier.

(5) No person shall without reasonable excuse jump, climb or get over the hand-railing on the Pier, or any barrier enclosing any part of the Pier except for the purpose of making lawful use of any vertical boarding ladder or for the purpose of tending the mooring of any Vessel.

(6) No person shall without the Company's written permission tout for custom, sell or expose, offer or advertise for sale, any goods or services on the Pier.

(7) No person shall when on any part of the Pier, except with the permission of the Harbour Master, play upon any musical instrument and/or operate, or knowingly cause to be operated any apparatus, radio, loudspeaker, gramophone, amplifier or similar instrument in such a way as to give reasonable cause for annoyance.

(8) No person shall use on the Pier a stove of any description without the permission of the Harbour Master.

(9) No person shall on or from the Pier fish or use any rod, line, net or other means of catching fish otherwise than on or from such part or parts of the Pier as the Company from time to time specify in a notice or notices displayed in a conspicuous position on the Pier.

(10) No person using the Pier for the purposes of fishing shall without reasonable excuse leave dirt or waste caused in the process of fishing or any materials, items or associated matters brought on to the Pier and used for the purpose of fishing in such circumstances as to contribute to or tend to lead to the defacement of the Pier.

(11) No person using the Pier for the purposes of fishing shall cast lines without due consideration for other users of the Pier or in such a manner that the lines become ensnared by, or cause damage, or injury to passing Vessels, sub-aqua divers or swimmers, or likely to become ensnared, or cause such damage, or injury.

## **Penalties**

### **43. PENALTIES FOR OFFENCES AGAINST BYELAWS**

(1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition imposed by the Company or harbour master in the exercise of the powers conferred upon them by these byelaws shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 2 on the standard scale, save in respect of byelaw 5 where the fine shall not exceed level 4 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 proceeding for the offence are taken against any other] person

(3) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove –

- (a) That they took all reasonable precautions and exercised all due diligence to avoid commission of such an offence; or
- (b) That they had a reasonable excuse for their act or failure to act.

(4) If in any case the defence provided by paragraph 3(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 will not, without leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, that person has served on the prosecutor a notice in writing giving such information or assisting in the identification of that person as was then in their possession.

The Secretary of State hereby confirms the foregoing bye-laws.

SIGNED by the authority of the Secretary of State this

.....day of ..... 2012

Richard Bennett

Head of Maritime Commerce and Infrastructure