

# **BANGOR HARBOUR BYE-LAWS 2005**

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## BANGOR HARBOUR BYE-LAWS 2005

The North Down Borough Council, acting as local harbour authority, in exercise of the powers conferred on it by Section 14 of the Harbour Act (Northern Ireland) 1970 and Section 90 (c) of the Local Government Act (Northern Ireland) 1972, hereby makes the following bye-laws:-

### PART I PRELIMINARY

#### **Application**

1. These Bye-Laws shall apply to all parts of the harbour, the limits of jurisdiction of which are shown on the map annexed hereto.

#### **Interpretation**

2. In these Bye-Laws the following words or expressions have the meanings hereby respectively assigned to them -

**'the authority'** means the North Down Borough Council acting as local harbour authority;

**'goods'** includes wares and merchandise of every description and fish, livestock and animals of all descriptions;

**'harbour'** means the area of the harbour as defined by the Bangor (Harbour Area) Order (NI) 2003.

**'the harbour master'** means the person appointed as such pursuant to Section 15 of the Harbour Act (Northern Ireland) 1970, and includes his authorised deputy and assistants and any other person authorised by the Authority to act in that capacity.

**'the harbour estate'** means that part of the harbour consisting of the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in the Authority;

**'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.

**'marina area'** means that part of the harbour used for the mooring or berthing of pleasure craft or management of the vessel for the time being;

**'master'** when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being.

**'owner'** when used:-

[1] in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods;

[2] in relation to a vessel includes the agent, master, manager or other person in charge of such vessel; and

[3] in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being.

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

**'vehicle'** includes motor car, motor lorry, horse drawn lorry, car, cart, carriage, motorcycle, pedal cycle, any vehicle propelled on rails, any machinery on rails or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;

**'vessel'** includes ship, boat, lighter, seagoing hovercraft and craft of every kind, and whether navigated by power or otherwise.

## **PART II NAVIGATION**

### **Authority of harbour master**

3. The immediate charge and regulation of the shipping and boating traffic of the harbour and control of all the vessels entering or being within or leaving the harbour, and the government and accommodation of the shipping therein (not otherwise provided for) shall in all respects devolve upon and be regulated by the harbour master; and all masters, officers and owners of, and persons in or employees on any vessel within the harbour, and all persons acting in connection with the shipping and boating traffic of the harbour are required to act in obedience to the lawful orders and direction given to them by the harbour master, and to observe, perform, and obey these several Bye-Laws.

### **Commercial vessels not to enter marina**

4. Commercial and fishing vessels shall not enter the marina area except with the permission of the harbour master.

### **Vessels entering or leaving the marina**

5. Vessels entering or leaving the marina area shall give way to vessels entering or leaving the outer harbour area and shall comply with the navigation signals which shall consist of 3 fixed red lights in a vertical line, located at the north end of the central pier.

### **Vessel movements**

6. The master of a seagoing vessel shall give prior notice to the harbour master of the vessel's arrival at, departure from or movement within the harbour, and shall maintain a watch on VHF channels 11 (harbour) and/or 80 (marina).

### **Declaration of particulars of vessel**

7. The master of a vessel arriving at the harbour shall if required by the harbour master furnish him with a declaration in the form to be obtained from him containing a correct statement of tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

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

8. [1] A master shall navigate his vessel with such care and caution and such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings or other property.

[2] No vessel shall proceed under sail within the harbour, except in the case of a machinery breakdown or with the permission of the harbour master.

[3] No vessel shall attempt to enter or leave the harbour or navigate within the harbour unless there shall be sufficient depth of water for the draught of such vessel.

### **Speed of vessels**

9. Except with the permission of the harbour master the master of a vessel shall not cause or permit the vessel to proceed or be towed at a speed greater than 4 knots.

### **Vessels not to be made fast to navigation buoys or marks**

10. No vessel shall make fast to or lie against any buoy, beacon or mark used for navigation purposes.

### **Notification of collisions, etc.**

11. The master of a vessel which:-

- [1] has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a harbour area; or,
- [2] 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,
- [3] in any manner gives rise to an obstruction to a fairway or navigation channel;

shall forthwith report the occurrence to the harbour master and as soon as practicable thereafter provide the harbour master with full details in writing and where the damage 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 navigation channel or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master.

### **Movement of vessels by persons under the influence of drink or drugs**

12. No person who is under the influence of drink or drugs to such an extent as to be incapable of navigating or having proper control of a vessel shall navigate or attempt to navigate or control the same in the harbour.

## **PART III BERTHING AND MOORING**

### **Provision of proper fenders**

13. 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.

### **Vessels to be properly berthed**

14. The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay to the satisfaction of the harbour master.

### **Vessels adrift**

15. The master of a vessel which parts from its mooring shall as soon as possible report the same to the harbour master.

### **Access to and egress from vessels**

16. The master and the owner of a vessel while berthed alongside a quay shall if required by the harbour master provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

### **Sufficiency of the crew**

17. Except with the permission of the harbour master, the master of a vessel shall at all times when his vessel is within the harbour ensure that there are sufficient crew or other competent persons readily available:-

[1] to attend to his vessel's moorings;

[2] to comply with any directions given by the harbour master for the unmooring, mooring and moving of this vessel; and

[3] to deal, so far as reasonably practicable, with any emergency that may arise.

### **Vessels to be kept in a moveable condition**

18. [1] The master of a vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first obtaining the consent 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 any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbour master forthwith and give to him any further information which the harbour master may reasonably require.

### **Repair of vessels**

19. A vessel shall not be repaired, dismantled or broken up in the harbour except in such position as the harbour master may appoint for that purpose and subject to such terms and conditions as he shall impose.

### **Reporting address, etc.**

20. The owner of any unmanned vessel in the harbour shall furnish the harbour master with the name, address and telephone number of a competent person readily available at all times to receive any order or direction from the harbour master.

### **Vessels not to make fast to unauthorised objects**

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

### **Access across decks**

22. The master of a vessel alongside a quay or alongside any vessel already berthed within the 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.

### **Lost anchor, cable, propeller, etc.**

23. [1] The master of a vessel which has slipped or parted from or lost any anchor, chain, cable, propeller, net, rope or tackle within the harbour shall forthwith give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable, propeller, net, rope or tackle and, if the harbour master so directs shall cause it to be recovered as soon as practicable.

[2] The master of a vessel slipping or parting from an anchor or propeller or net, rope or tackle shall leave a buoy to mark the position thereof.

**PART IV**  
**GOODS, CARGO AND ROAD TRAFFIC**

**Requirements as to handling and movement of goods in the harbour estate**

24. [1] The owner of any goods loaded or discharged at the harbour estate shall ensure that the goods are removed therefrom as soon as practicable and in any case within 24 hours unless the harbour master otherwise agreed.

[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 estate.

**Precaution against goods, etc. falling into harbour waters or onto the harbour estate**

25. The master of a vessel and any person undertaking the loading of cargo into, or the 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 material from falling or escaping into the waters of the harbour or onto the premises of the harbour estate, and shall ensure the quaysides are washed or swept after use.

**Obstruction or interference at harbour estate**

26. No person shall:-

[1] except with the permission of the harbour master, deposit or place on any part of the harbour estate any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or

[2] without the authority of the harbour master use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour estate.

**Access to buildings**

27. No person shall enter any building provided by the Authority unless he has lawful business therein.

**Safe driving of vehicles**

28. No person shall drive or otherwise operate a vehicle in the harbour estate without due care and attention or without reasonable consideration for other persons using the harbour estate.

**Speed limit for vehicles**

29. No person shall cause a vehicle to proceed anywhere in the harbour estate at a speed greater than 5 miles per hour.



### **Supervision of vehicles**

30. A person having charge of a vehicle in the harbour estate shall at all times comply with any directions of the harbour master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the harbour master:-

[1] leave the vehicle unattended anywhere within the harbour estate; or

[2] take it into any shed or working area.

### **Loads not to leak, spill or drop**

31. The owner, driver or other person having charge of a vehicle in the harbour estate shall take all reasonable precautions to prevent any substance from leaking, spilling or dropping from the vehicle.

### **Loads to be secured**

32. The owner, driver or other person having charge of a vehicle in the harbour estate 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**

33. No person shall within 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**

34. Any person driving or otherwise operating a vehicle involved in an accident in 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 and shall give his name and address to the harbour master.

### **Use of slipway**

35. The owner of a vessel shall give the harbour master prior notice, of at least one working day, of the intention to use the slipway specifying the nature of the work to be undertaken and shall not use the slipway without the consent of the harbour master.

### **Obstruction of slipway**

36. No vessel shall ebb out on the slipway or in any way obstruct the use of the slipway for launching or recovery of the lifeboat or any other craft, nor interfere with the landing steps.

### **Inspection facilities, etc. to be made available to harbour master**

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

## **PART V MISCELLANEOUS**

### **Fitting with silencer**

38. The master of a vessel propelled by an engine shall not use the engine unless it is fitted with a silencer which is suitable and sufficient to reduce as far as may be reasonably possible the noise caused by the escape of exhaust gases from the engine.

### **Vessels not to be fumigated without permission**

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

### **Laying down moorings, buoys and other tackle**

40. [1] No person shall lay down any mooring, buoy, net, creel or similar tackle without a licence or prior consent in writing of the harbour master nor except in accordance with such conditions as the harbour master may reasonably impose.

[2] A mooring, buoy, net, creel or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the harbour master so directs.

### **Dumping prohibited**

41. No person shall deposit or discharge any oil, litter, rubbish, garbage, offal or other waste material whatsoever or permit or allow such material to be deposited or thrown, dropped, pumped, discharged, shovelled or to flow onto the harbour estate or into the waters of the harbour.

### **Drift or trawling nets not to obstruct vessels**

42. 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.

### **No dragging or grappling without permission**

43. No person shall drag or grapple for any material or article nor remove the same from the bed of the harbour without the written consent of the harbour master.

### **Vessels to have names marked on them**

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

### **Abandonment of vessels prohibited**

45. [1] No person shall abandon a vessel in the harbour.

[2] For the purposes of paragraph [1] of this Bye-Law, a person who leaves a vessel in the harbour 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 unless the contrary intention has been shown during that period.

### **Assistance to fire and other services**

46. 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.

### **Fire precautions**

47. The master of a vessel shall take all reasonable precautions for the preventing of accidents by fire.

### **Refuelling**

48. When a vessel is taking on liquid fuel of any description, smoking or the use of naked flame either on board or in the immediate vicinity is strictly prohibited and the master of such vessel shall provide suitable and efficient fire extinguishers on board and ready for immediate use.

### **Fires and use of naked flame**

49. Every person who shall have, or cause to be had, any fire or naked flame of any description on the harbour estate or on board any vessel in the harbour shall cause such fire or naked flame to be tended at all times by a responsible person who must have suitable and efficient fire extinguishing equipment readily available for immediate use.

### **Obstruction of officers of the Authority**

50. No person shall intentionally obstruct, impede, molest, threaten or interrupt any officer or employee of the Authority in the execution of his duties.

### **Assemblage, etc.**

51. Except with the consent of the harbour master, no person shall take part in any demonstration, meeting, procession or assemblage in any place under the control of the Authority, whether a highway or not.

### **Meetings**

52. Except with the consent of the harbour master, no person shall within the harbour estate (a) take part in any public meeting or (b) gather together and deliver any address to an audience where the control, management or use of the harbour is or is likely to be obstructed, impeded or hindered.

### **Unauthorised trading prohibited**

53. No person shall engage by way of trade or exercise any craft or skill for hire or reward or buy or sell or offer to buy or sell any goods or property in the harbour estate or on any vessel without the written consent of the Authority, such consent not to be unreasonably withheld and to be on such terms and conditions as shall be reasonable.

### **Cycling**

54. No persons, other than a person employed in the harbour estate, shall cycle in the harbour estate without the permission of the harbour master.

### **Placards, etc.**

55. No person shall write or paint anything upon, deface or disfigure by scribbling, drawing, placarding, or otherwise howsoever, any post, lamppost, fence, railing, hoarding, wall, erection or building upon the quays or elsewhere in the harbour estate or on any vessel, piling, or buoy within the harbour or on any table of tolls or rates, notice board, or written or printed notice placed or set up by the Authority, nor shall any person affix or cause to be affixed any bill, notice or paper within the harbour, or on the harbour estate without the written consent of the Authority.

### **Firearms, fireworks, etc.**

56. No person shall discharge any firearm, firework, flare or other explosive device within the limits of the harbour without the consent of the harbour master.

### **Matches**

57. No person shall throw down a lighted match on any woodwork of any quay.

### **Sub-aqua swimming, etc.**

58. No person shall bathe or engage in sub-aqua swimming, wind surfing, jet skiing, canoeing, rowing or group activities within the harbour without the consent of the harbour master and only in such areas as may be designated by the harbour master and in accordance with such reasonable conditions as he may impose.

**Removing lifebuoys, etc.**

59. No person shall:-

[1] remove from its station any lifebuoy, lifeline or warning sign or notice or any apparatus placed on the harbour estate except for a legitimate purpose;

[2] interfere with any light, fire hydrant, tap, buoy or navigation aid; or

[3] use any naked light within any building or store.

**Revocation**

60. The Bangor Harbour Bye-Laws made by the Urban District Council of Bangor on 18<sup>th</sup> December, 1923 and confirmed by the Ministry of Commerce for Northern Ireland on 27<sup>th</sup> December, 1923 are hereby revoked.

Dated this 30th day of August, 2005 and sealed with the Common Seal of the  
North Down Borough Council in the presence of

\_\_\_\_\_ MAYOR

\_\_\_\_\_ TOWN CLERK

The foregoing Bye-Laws are hereby confirmed by the  
Department for Regional Development

this            day of                            2005

(L.S.)

\_\_\_\_\_  
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 and Article 3(2) of the Criminal Justice (Northern Ireland) Order 1994 every person who shall offend against any of the foregoing Bye-Laws shall be liable on conviction to a fine not exceeding level 2 on the standard scale (£500) and in the case of a continuing offence to a further fine not exceeding £2.00 for each day during which the offence continues after conviction thereof.