

PRESTON DOCK BYELAWS

made by

PRESTON BOROUGH COUNCIL

under

SECTION 235 OF THE LOCAL GOVERNMENT ACT 1972

A. Owens

Town Clerk/Chief Executive

Town Hall

Preston.

PR1 2RL

PRESTON DOCK BYELAWS

Byelaws made by Preston Borough Council under Section 235 of the Local Government Act 1972 for the good rule and government of the Borough of Preston and for the prevention and suppression of nuisances.

Extent

1. These byelaws apply to the following area, hereinafter referred to as "the Dock Area", at Preston Riversway Docklands: the Albert Edward Dock, the Entrance Basin, the locks, channels, marina, quays, jetties, pontoons, stages and all other works, land, water and buildings shown edged with a heavy black line on the plan attached to these byelaws; and, where appropriate, the boundary of the Dock Area follows and includes the line of railings alongside the Albert Edward Dock.

Interpretation

2. In these byelaws, except where the context otherwise requires:

'the Council' means the Preston Borough Council;

'the Dock and Marine Officer' means the person appointed by the Council as their Dock and Marine Officer to supervise the Dock Area and includes his authorised assistants and any other person authorised by the Council 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;

'master', in relation to a vessel, means any person for the time being having the command, charge or management of it;

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

'small vessel' means any vessel of less than 20 metres in length or a sailing vessel and, for the purposes of this definition, "sailing vessel" means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;

'vehicle' includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, a trailer, a caravan, a mobile home, and a hovercraft or any other amphibious vehicle;

'vessel' means a ship, boat, raft or water craft of any description and includes a non-displacement craft, a seaplane, any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

Vessels to be navigated with care

3. The master shall navigate his vessel with such care and caution and at such speed and in such manner so as not:

(a) to endanger the lives of or cause injury to persons or damage to property; or

(b) to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, dock walls or other property.

Speed of vessels

4. Except with the permission of the Dock and Marine Officer, the master of a vessel shall not knowingly cause or permit the vessel to proceed at a speed greater than four knots.

Vessels not to be made fast to navigation buoys or marks

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

Notification of collisions etc.

6. (1) 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; 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 shall as soon as reasonably practicable report the occurrence to the Dock and Marine Officer and as soon as practicable thereafter provide the Dock and Marine Officer with full details in writing.

(2) 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 obstruction or to moor or anchor in safety, or with the permission of and in accordance with the directions of the Dock and Marine Officer.

Vessels adrift

7. The master of a vessel which parts from its moorings shall report the fact to the Dock and Marine Officer as soon as reasonably practicable.

Provision of proper fenders

8. 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

their vessel and, when berthing, leaving a quay or pontoon or lying 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, pontoon, those other vessels or other property.

Vessels to be properly berthed

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

Access to and egress from vessels

10. The master and the owner of a vessel (other than a small vessel) while berthed alongside a quay:

(a) shall provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel; and

(b) shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

Vessels to be kept in a moveable condition

11. 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 Dock and Marine Officer as soon as reasonably practicable and give to him any further information which the Dock and Marine Officer may reasonably require.

Use of engines while vessel moored or berthed

12. The master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to any person or to any other vessel

or property, or give reasonable cause for annoyance to any person.

Access across decks

13. The master of a vessel berthed alongside a quay or alongside any other vessel already berthed shall, if required to do so by the Dock and Marine Officer, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

Lost anchor, chain, cable or propeller

14. (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 Dock and Marine Officer notice of the fact and, if possible, of the position of the anchor, chain, cable or propeller and, if the Dock and Marine Officer so directs, shall cause it to be recovered as soon as practicable.

(2) The master of a vessel which slips or parts from an anchor or propeller shall leave a buoy to mark the object.

Obstruction or interference

15. No person shall:

(a) except with the permission of the Dock and Marine Officer, deposit or place in or on any part of the Dock Area any goods, or park any vehicle, so as to obstruct any road, railway, building, mooring place, plant, machinery or apparatus or the access thereto; or

(b) without lawful authority, use, work or move any plant, machinery, equipment or apparatus within the Dock Area.

Laying down moorings, buoys and other tackle

16. (1) No person shall lay down any mooring, buoy or similar tackle

without a licence or prior consent in writing of the Dock and Marine Officer, nor except in accordance with such conditions as the Dock and Marine Officer may impose.

(2) A mooring, buoy or similar tackle shall as soon as reasonably practicable be removed by its owner or any other person claiming possession of it if the Dock and Marine Officer so directs.

Dumping prohibited

17. No person shall deposit or throw any lifebelt or other safety equipment into any water except for the purpose of rescuing a person who is in such water.

Drift or trawling nets not to obstruct vessels

18. No person shall cast or place any drift, trawl or other net in such a manner or position as to be or to be likely to become an obstruction or danger to any person or property including, in particular, any vessel or mooring.

Vessels to have names marked on them

19. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 or the Merchant Shipping Act 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification, unless otherwise exempted by the Dock and Marine Officer.

Abandonment of vessels prohibited

20. (1) Except in emergency, no person shall abandon a vessel within the Dock Area.

(2) For the purposes of paragraph (1) above, a person who leaves a

vessel within the Dock Area 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 is shown.

Swimming and other activities

21. No person shall engage or take part in swimming, water skiing, water scootering, aquaplaning or parascending within the Dock Area except with the written permission of the Dock and Marine Officer, given either specifically or generally, and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed by him.

Assistance to fire and other services

22. 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

23. The master of a vessel shall take all reasonable precautions for the prevention of fire.

Use of welding and burning equipment

24. (1) No person without reasonable excuse may burn or heat any flammable matter or have or permit any fire or naked light in the Dock Area, except with the written permission of the Dock and Marine Officer.

(2) Where any operation including the use of hot rivets, welding or burning equipment or any other potential source of ignition is undertaken in the Dock Area, the operators shall take such precautions, including the removal of flammable materials, as may reasonably be necessary to prevent fire and avoid injury.

(3) No tanks, containers or other facilities used for storage or transportation of flammable materials shall be repaired in the Dock Area with hot rivets, welding or burning equipment until the operators of such equipment have ensured that such facilities have been rendered safe for making the repairs.

(4) The operators of each unit of hot rivets, welding or burning equipment in use in the Dock Area shall ensure that suitable fire-extinguishing equipment, ready for instant use in case of fire, shall be placed near each such unit.

(5) The operators of any hot rivets, welding or burning equipment in the Dock Area shall ensure that every compressor or generator used in connection therewith shall be placed securely.

(6) Operators of hot rivets, welding or burning equipment shall at all times take all necessary precautions to prevent fire or explosion from the use of such equipment.

No smoking or fires

25. No person shall smoke or carry a lighted pipe, cigar or cigarette within the Dock Area:

(a) where smoking is expressly prohibited by the Council by a notice exhibited in a conspicuous position in such part of the Dock Area; or

(b) if requested by the Dock and Marine Officer or any constable or authorised person not to do so in or upon any part of the Dock Area where smoking or carrying a lighted pipe, cigar or cigarette may in their opinion be dangerous; or

(c) near to or amongst any dangerous goods in the Dock Area.

Approved artificial lights to be used

26. No person shall use any artificial light on Council property so as to impede the safe movement of vehicles or persons in the Dock Area.

Fire-extinguishing equipment to be available for use at all times

27. The master of every vessel within the Dock Area, 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.

Fires on vessels to be in suitable containers and under watch

28. The master of every vessel within the Dock Area shall ensure that no fire shall be allowed thereon except in suitable containers and under watch, provided that it shall be a sufficient defence to a contravention of this byelaw if the master had used all due diligence in the observance of this byelaw.

Signalling and reporting of fires

29. In the event of a fire occurring at the quay at which a vessel is berthed, or on board any vessel within the Dock Area, the master of such vessel shall:

(a) sound six or more short blasts followed by one prolonged blast on the whistle or siren of such vessel or such other sound signal as is prescribed by the Council; and

(b) repeat the signals at intervals or follow such other procedure as is prescribed by the Council from time to time; and

(c) use the signal in addition to, but not in substitution

for, other means of reporting the fire, and for no other purpose.

Water Pollution

30. No person shall empty a chemical closet into any water within the Dock Area.

Obstruction of officers of the Council and other persons

31. No person shall:

(a) intentionally obstruct any officer of the Council in the proper execution of his duties;

(b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or

(c) intentionally obstruct any other person in the proper use of the Dock Area, or behave so as to give reasonable grounds for annoyance to other persons in the Dock Area.

Penalties

32. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the Dock and Marine Officer in the exercise of the powers conferred upon him by these byelaws shall be liable on summary conviction to a fine not exceeding level 2 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 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 he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or

(b) that he had a reasonable excuse for his 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 shall not, without leave of 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.

PASSED under the Common Seal
of the Preston Borough Council
in the presence of:

P. Rowell
P. Rowell

Principal Legal Officer

Dated the *First* day of *May* 1991



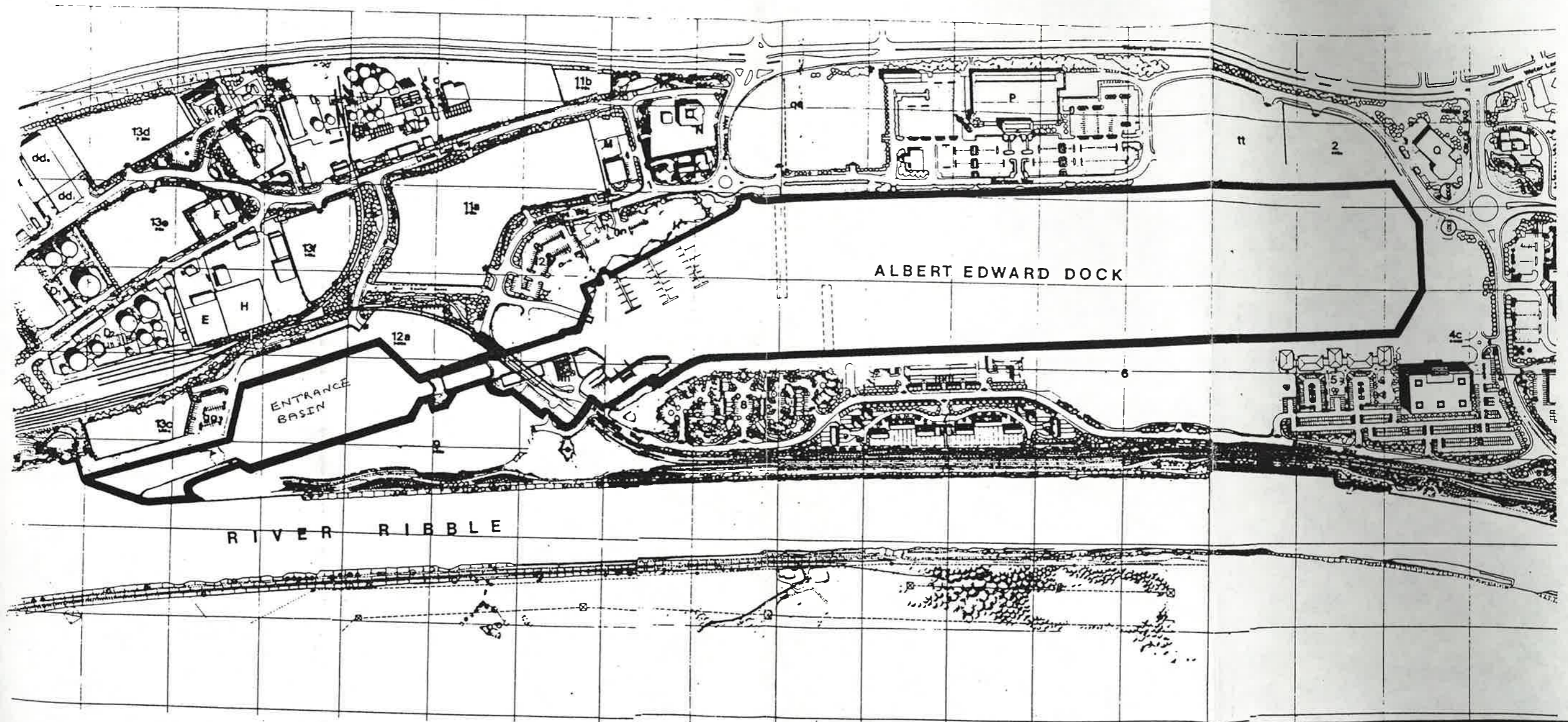
The foregoing byelaw(s) ~~is~~/are hereby confirmed by the Secretary of State
and shall come into operation on the 12th day of August 1991.

Signed by authority of the Secretary of State

A handwritten signature in black ink, appearing to read 'M. E. Head', with a horizontal line underneath the name.

M. E. HEAD
An Assistant Under-Secretary of State

30 JUL 1991
Home Office
LONDON, SW1.



<p>Preston Borough Council</p> <p>Development Department</p> <p>Preston</p>	Drwg. title.	Section
	<p>PLAN REFERRED TO IN THE PRESTON DOCK BYE LAWS</p>	Scale N.T.S.
		Date
		Drawn by MAW
		Ref. no. R764A
	Drwg. No. 13645	Rev. C