

# MOUSEHOLE HARBOUR BYELAWS 2015

for the Regulation and Control of Mousehole Harbour.

The Harbour of Mousehole Improvement Commissioners, in exercise of the powers conferred on them by section 83 of the Harbours, Docks and Piers Clauses Act 1847 and incorporated in the Mousehole Harbour Improvement Order 1868 by section 19 of the General Pier and Harbour Act 1861 Amendment Act 1862 hereby make the following Byelaws to be observed in Mousehole Harbour.

## 1. Date of commencement.

1.1 These Byelaws may be cited as the Mousehole Harbour Byelaws 2015, and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

## 2. Interpretation

**2.1 Harbour Master.** The expression "Harbour Master" shall have the meaning assigned to it by section 2 of the Harbours, Docks and Piers Clauses Act 1847, and shall include any person authorised by the Commissioners to assist the Harbour Master to perform his duties.

**2.2 Vessel.** The word "vessel" includes ship, boat, lighter and craft of every kind, propelled by motor or otherwise.

**2.3 Goods.** The word "goods" shall include wares and merchandise of every description and all articles in respect of which rates and dues are payable.

**2.4 Explosives.** The word "explosives" has the same meaning as in the Explosives Act 1875 but excludes goods forming part of the equipment or stores of the vessel in which they are carried, or destined for a vessel in the harbour, to form part of her equipment or stores.

**2.5 Commissioners.** The word "Commissioners" shall mean the Harbour of Mousehole Improvement Commissioners.

**2.6 Harbour.** "The Harbour" means the harbour at Mousehole within the limits as defined by clauses 2 and 9 of the Mousehole Harbour Improvement Order of 1868 which shall be taken to mean all of that area contained within the harbour walls, including the walls themselves, and within which limits the powers of the Harbour Master shall be exercised .

## 3. Vessels Entering Harbour

3.1 The Master of a vessel entering the harbour must

- (a) rig in the said vessel outriggers
- (b) ensure that all trawl beams, trawl boards and other movable gear are properly stowed onboard.

#### **4. Vessels Not to Obstruct the Entrance**

4.1 The Master of a vessel must not intentionally obstruct the fairway, or discharge or embark cargo, goods or passengers within one hundred and eighty metres of the entrance of the harbour.

#### **5. Masters of Vessels to Report on Arrival**

5.1 Upon entering the Harbour the Master must report the arrival of their vessel to the Harbour Master immediately.

#### **6. Vessels must Supply Own Ropes and Warps**

6.1 The Master of a vessel must ensure that the vessel has sufficient sound ropes or warps ready to be sent to each pier head.

#### **7. Mooring Ropes**

- 7.1
- (a) The Master must ensure that the vessel's mooring ropes are secured in such a way that they cannot float and endanger the propellers of other craft
  - (b) The Master must ensure that the mooring ropes are not left hanging from the piers when not in use.

#### **8. Anchors**

8.1 The Master of a vessel who lets go an anchor on entering the harbour must cause it to be taken up immediately after such vessel is berthed and moored, or has taken the ground.

#### **9. Vessels Mooring at Buoys etc. without Permission**

9.1 No Master will lay an anchor mooring, or fasten to any buoys, rails or chains in any part of the harbour without the prior verbal permission of the Harbour Master.

#### **10. Berthing of Vessels**

- 10.1
- (a) The Master must place the vessel in such berth or berths, place or places as the Harbour Master may direct.
  - (b) The Master must ensure that the vessel is properly and securely moored at any such berth or place.
  - (c) The Master must provide sufficient hands and tackle for the purpose of berthing, mooring and removal.

## **11. Position of Permanent Ground Moorings**

11.1 (a) The determination of the exact position of all permanent ground moorings shall be the responsibility of the Commissioners, who may vary them from time to time at their discretion.

(b) No person shall change the position of any permanent ground moorings without the prior written permission of the Harbour Master.

## **12. Landing Steps**

12.1 The Master of a vessel must ensure that she does not obstruct the landing steps.

## **13. No Person to Interfere with Moorings**

13.1 No person shall set a vessel adrift, or interfere with her moorings or fastenings.

## **14. Repairing Vessels in or on the Harbour**

14.1 Except with the prior written permission of the Harbour Master, and in such place as may be specially appointed by the Harbour Master for that purpose, no Master of any vessel will;

(a) caulk, scrape or smoke such vessel in the harbour; or

(b) boil or heat any pitch, tar, resin, turpentine, oil or other combustible matter; or

(c) cause or suffer any such things to be done in the vessel or on any place within the harbour limits and its premises.

For the avoidance of doubt byelaw 14.1 does not prohibit minor repairs that are necessary to keep the vessel in a seaworthy condition.

## **15. Access.**

15.1 The Master of a vessel in the harbour must, 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.

## **16. Commercial operations in the Harbour.**

16.1 The Master of a vessel, his agents or representatives, or any member of the public shall not tout or importune for business within the harbour limits without prior written permission from the Harbour Master.

## **17. Refuse.**

17.1 No person shall discharge or throw into the harbour, or leave on the quay any litter, refuse, material or noxious liquid, including any such resulting from fishing

## **18. Displaying lights when in the Harbour**

18.1 At no time when within the Harbour will a vessel that is berthed or mooring in the Harbour display lighting that will interfere with the safe navigation of any other vessel or may impair the night vision of any vessel underway.

## **19. Nets and Lines set in the Harbour**

19.1 No person shall at any time fish, by means of rod and line or by net or ground lines or any other means within the Harbour without the prior verbal permission of the Harbour Master.

## **20. Intoxication**

20.1 No person shall be in charge of any vessel when intoxicated or under the influence of drink or drugs.

## **21. Obstruction**

21.1 No person shall intentionally obstruct the Harbour Master or any other employee of the Commissioners while engaged in the lawful performance of their duties, or in the exercise of their powers.

## **22. Loudspeakers**

22.1 (a) No person shall play amplified music within the Harbour to the annoyance of another person.

(b) No person shall use an amplifier in the Harbour without the prior written permission of the Harbour Master.

## **23. Defacing Notice Boards**

23.1 (a) No person shall interfere with any notice or notice board set up by the Commissioners or remove any lifebuoy, lifeline or any apparatus stationed in or around the harbour

(b) No person shall display bills, placards or notices within the harbour except with the prior written permission of the Harbour Master.

## **24. Barbeques**

24.1 No person shall light a barbeque or fire or permit a barbeque or fire to be lighted within the Harbour Limits without the prior verbal permission of the Harbour Master.

## **25. Firearms**

25.1 (a) No person shall discharge any firearm within the Harbour  
(b) Distress signals may only be fired in cases of genuine distress.

## **26. Explosives**

26.1 No person shall bring into the harbour any explosives other than distress signals intended for shipboard use.

## **27. Nets and Gear causing obstruction**

27.1 No person shall spread any trawl, seine or net of any description, or lodge any fishing gear, anchors, spars, sails or boats in any part of the Harbour so as to obstruct the prosecution of business.

## **28. Items left on Piers.**

28.1 No person having the care of any vehicle, animal or goods, or of any cask, tub, basket, pail or other container shall cause or permit the same to stand or be upon any part of the Harbour longer than may be reasonably necessary for the due and proper despatch of business.

## **29. Goods Landed and Left on quays.**

29.1 The owner or other person in charge of any goods, articles, or things landed and deposited or placed upon any part of the Harbour shall;

(a) ensure that they are deposited or placed so as to occupy the smallest reasonable space and so as not to cause an obstruction or unreasonably inconvenience other users; and

(b) ensure that they are removed within 6 days of landing.

### **30. Car Parking**

30.1 No person shall park a motor car within the harbour except in spaces allocated for the purpose by the Commissioners, and no person shall use any car parking space for the purpose of camping, caravanning or any other form of over-night residence.

### **31. Vessels Laid-up for Repair.**

31.1 The owner of any vessel laid-up for repair shall upon receipt of reasonable written notice from the Harbour Master remove it, or place or moor it in such part of the harbour as shall be directed by the Harbour Master.

### **32. Loading of Cargo or Discharge**

32.1 The Master of a vessel shall not load or discharge cargo or goods except with the verbal permission of the Harbour Master.

### **33, Vessels Entering the Harbour**

33.1 The Master of a vessel entering the harbour, shall navigate it in a proper and efficient manner and at a speed not in excess of three knots , and shall not overtake or attempt to overtake or pass into the harbour abreast of any other vessel so approaching or entering.

### **34. Vessels of over 25 feet**

34.1 A Master shall not permanently moor his vessel within the Harbour limits if its hull is over 25 feet in length.

### **35. Divers**

35.1 (a) No Scuba divers shall operate within, or from the harbour or the harbour limits except for work authorised by the Harbour Master unless prior written permission has been obtained from the Harbour Master.

(b) No person shall operate or handle a spear gun within the Harbour limits unless prior written permission has been obtained from the Harbour Master.

### **36. Assemblies and Meetings**

36.1 No person shall organise or take part in any demonstration or meeting within the Harbour Limits without the prior written permission of the Harbour Master.

### **37. Houseboats**

- 37.1 (a) No person shall cause a houseboat to enter the harbour  
(b) No person shall use a vessel not on passage as living accommodation within the harbour.

### **38. Payment of Harbour Dues**

38.1 No Master of any vessel shall use or permit the use of his vessel within the harbour limits unless Harbour Dues have been paid by 31 October each year.

### **39. Contravention of Byelaws.**

39.1 Any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale.

39.2 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 the offence; and a person may be charged with and convicted of an offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.

39.3 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.

### **40. 1983 Byelaws**

40.1 The Byelaws made by the Commissioners on 28 October 1983, are hereby revoked

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The Common Seal of the  
**Harbour of Mousehole Improvement Commissioners** was affixed to  
these Byelaws in pursuance of a resolution passed by such Commissioners  
on the 31<sup>st</sup> day of December 2015  
in the presence of

Chairman



Commissioner

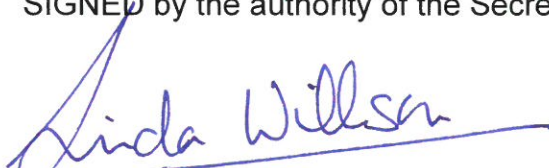


Secretary



The Secretary of State for Transport confirms the foregoing Byelaws.

SIGNED by the authority of the Secretary of State for Transport



Linda Willson  
Head of Maritime Commerce & Infrastructure Division in the  
Department for Transport

Date: 12 April 2016