



TEES AND HARTLEPOOL PORT AUTHORITY LIMITED

THE TEES AND HARTLEPOOL HARBOUR BYELAWS 1977 & 1985

**THE TEES AND HARTLEPOOLS PORT
AUTHORITY ACT 1966**

**THE TEES AND HARTLEPOOL HARBOUR
BYELAWS 1977**

In exercise of the powers conferred upon them by Sections 90,91 and 92 of the Tees and Hartlepoons Port Authority Act 1966 (a) and of all other powers them thereunto enabling, the Tees and Hartlepool Port Authority hereby make the following Byelaws:

PART I - INTRODUCTORY

Citation,
commencement
and
application

1. (1) These Byelaws may be cited as the Tees and Hartlepool Harbour Byelaws 1977 and shall come into operation on the expiration of the period of fourteen days after the date of confirmation thereof by the Secretary of State for Transport.
(2) These Byelaws shall, except where the subject or context otherwise requires, apply to all parts of the harbour.

Interpretation

2. (1) In these Byelaws, except where the subject or context otherwise requires -
“appliance craft” means any dredger, hopper, barge, diver’s boat, screw boat, crew keel, floating crane or other craft or apparatus of a like nature belonging to or employed by the Authority;
“by day” means between sunrise and sunset;
“by night” means between sunset and sunrise;
“Collision Regulations” has the meaning assigned to that expression by Section 418 of the Merchant Shipping Act 1894 (b);
“dangerous goods” has the meaning assigned to that expression by Section 23 of the Merchant Shipping (Safety Convention) Act 1949 (c);
“discharging” includes deballasting, unloading, landing and all operations associated with and consequential upon the discharge of goods from vessels or vehicles;
“dock estate” shall not include the Iron Ore Terminal occupied by the British Steel Corporation during such time as the Terminal is so occupied but, subject to this exception, has the same meaning as in Section 3 of the Tees and Hartlepoons Port Authority Act 1966;
“docks manager” in respect of any part of the dock estate means a docks manager appointed by the Authority for that part, and includes any duly appointed assistant to a docks manager and any person authorised by the Authority to act in that capacity;

“express permission” means a permission expressly related to the act in respect of which it is given;

“goods” includes cargo, wares, merchandise, any container, receptacle, pallet and flat, any vehicle handled as cargo, any fish, livestock and animals, any oils, liquids and gases and any other property or thing whatsoever and any part thereof, saving only the hull of any vessel calling or docked or laid up at the dock estate;

“harbour” has the same meaning as in the Tees and Hartlepoons Port Authority Act 1966, that is to say, it means the area defined in Schedule 2 to that Act and, so far as the same is not within that area, also includes the dock estate and, for the purposes of these Byelaws, the definition contained in the said Schedule 2 is set out in the Schedule to these Byelaws;

“loading” includes ballasting, stowing and all operations associated with and consequential upon the loading of goods on or in vessels or vehicles;

“master” where used in relation to a vessel, means any person (whether the owner, master or other person) having or taking the command, charge or management of the vessel for the time being;

“owner” when used in relation to -

- (a) a vessel, includes any part-owner, charterer (whether by demise or otherwise) or mortgagee in possession, and any agent acting for such a person;
- (b) goods, includes a consignor, consignee, shipper or agent for the sale, receipt, custody or loading of the goods;

“prolonged blast” means a blast of from four to six seconds duration;

“rubbish” includes slag, ballast, ashes, effluent, refuse or waste materials;

“short blast” means a blast of about one second’s duration;

“the Tees Fairway” means the approach between the Tees Fairway Buoy and the River Tees buoyed channel;

“vehicle” includes a road or rail vehicle and mobile mechanical equipment.

(2) Expressions used in these Byelaws shall, unless the contrary intention appears, have the same respective meanings as in the Tees and Hartlepool Port Authority Acts and Orders 1966 to 1974.

(3) Every reference to these Byelaws to any enactment shall be construed as a reference to that enactment as re-enacted, amended, extended or applied by, or by virtue of, any other enactment.

(4) The provisions of sub-section (2) of Section 38 (Effect of Repeals) of the Interpretation Act 1889 (a) shall apply to these Byelaws as they apply to an Act of Parliament.

Application of
Collision
Regulations

3. The master of a vessel in any part of the harbour shall observe and obey the Collision Regulations with the exceptions, additions, and variations contained in these Byelaws.

Responsibility
for compliance
with Byelaws

4. (1) Any person who contravenes any of these Byelaws or any condition, requirement or prohibition imposed by a docks manager or the harbour master in the exercise of the powers specifically conferred upon him by these Byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(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.

(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 involved 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 7 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.

Master to be
on board

5. (1) The owner of a vessel shall ensure that there is a competent master on board his vessel at all times when it is being navigated within the harbour.

(2) The master of a vessel shall ensure that a responsible person, competent to supervise the loading or discharging of the vessel, shall at all times be on board during loading or discharging.

PART II - NAVIGATION

6. The master shall navigate his vessel with such care and caution and at such speed and in such manner, as not to endanger the lives of or cause injury to persons or damage to property, and not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, river banks or other property.

Vessels to navigate with care
7. The master of a vessel entering the River Tees shall ensure that his vessel passes the Tees Fairway Buoy so that the Buoy is on the port hand of the vessel.

Navigation at Tees Fairway Buoy
8. The master of a vessel which is approaching or departing from Hartlepool or crossing Tees Bay shall not cause it to cross the approach to the River Tees at any point between the Tees Fairway Buoy and the South Gare light station in such manner as to embarrass or hamper the safe navigation of a vessel requiring to use the approach channel course.

Vessels crossing Tees Bay
9. The master of a vessel intending to navigate his vessel through the Tees (Newport) Bridge shall give not less than twenty-four hours notice of his intention to the harbour master.
In relation to Byelaw 9 of these Byelaws, your attention is drawn to the fact that Cleveland County Council has determined, in the exercise of its powers under the Tees (Newport) Bridge Act 1989, which came into force on 3 September 1989, that Newport Bridge shall be kept permanently in its closed (lowered) position.

Vessels passing through Tees (Newport) Bridge
10. The master of a vessel navigating in a navigable channel or the Tees Fairway shall cause his vessel to keep to the side thereof which lies on the starboard hand of the vessel except when crossing the channel to or from a mooring place, wharf or landing place.

Vessels to keep to starboard side of channel
11. 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 stemming the tide shall cause his vessel to give way to the other vessel.

Vessels meeting
12. The master of a vessel which is being overtaken by another vessel shall not cause the overtaking vessel to be hampered or obstructed. This shall not interfere with the obligation of both vessels to comply with the requirements of the Collision Regulations as to vessels overtaking and being overtaken.

Vessels overtaking
13. The master of a vessel navigating in the harbour shall ensure that it is steered at all times by a person competent to do so, and shall not permit it to be steered by any device of equipment designed to function in place of the steersman.

Manual steering controls

PART III - VESSELS

Unsafe
vessels

14. (1) The master shall not take his vessel into the harbour without the express 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 navigated;
 - or
 - (b) is on fire, or has been on fire at any time within the period of fourteen days ending on the day on which his vessel is ready to enter the harbour.
- (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 harbour or to any part of the harbour specified by the harbour master.

Sufficiency
of crew

15. Except with the express permission of the harbour master, the master of a vessel shall at all times when his vessel is within the harbour ensure that his vessel is capable of being safely moved and navigated, and
- (a) that there are sufficient crew or other competent persons readily available -
 - (i) to attend to the vessel's moorings; and
 - (ii) to comply with any direction given by the harbour master for the unmooring, mooring and moving of the vessel; and
 - (b) where the vessel being navigated exceeds 300 gross registered tonnes, that there are at least two persons on the bridge or other conning position each of whom is, by himself, competent to steer the vessel.

Protruding
obstructions

16. The master shall ensure, so long as his vessel is berthed within the harbour, that his vessel's anchors are securely housed and all projections (other than projections which are integral parts of the vessel) are stowed within the vessel's rail.

Freeboard of
river vessels

17. (1) The owner and master of a vessel plying within the smooth water limits shall ensure that their vessel has a minimum freeboard of not less than 15cm. where their vessel has complete deck integrity and not less than 38cm. where their vessel does not have complete deck integrity the freeboard to be measured from the underside of the deck line at the lowest point to the water line.
- (2) In this Byelaw -
- “complete deck integrity” means having a continuous weather deck so designed and maintained as to ensure that the hull is kept watertight;
- “the smooth water limits” means those limits as defined in the Merchant Shipping (Life-Saving Appliances) Rules 1965 (a).

