



Medway Ports Authority Act 1973

1973 CHAPTER xxi

PART VI

BYELAWS

78 General byelaws

Subject to the provisions of this Act, the Authority may make byelaws for all or any of the following purposes:—

- (a) for regulating the use, operation and superintendence of the port and the docks, berths, wharves, quays, piers, jetties, staiths, warehouses, sheds, landing places, locks, sluices, equipment, works and conveniences (including moorings) in the port;
- (b) for regulating the admission to movement and berthing within, and the departure of vessels from, the port, or the removal of vessels, and for the good order and government of vessels whilst within the port;
- (c) for regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the limits of the port, and at the premises of the Authority;
- (d) for regulating the navigation, berthing and mooring of vessels within the port and their speed and manner of navigation, and the use of tugs within the port;
- (e) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the port, or on the premises of the Authority;
- (f) for regulating the conduct of all persons in the port, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (g) for regulating the placing and maintenance of moorings;
- (h) for preventing and removing obstructions or impediments within the port;
- (i) for prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into the port;
- (j) for regulating the use of ferries within the port;

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- (k) for regulating the use of yachts, sailing boats, rowing boats, pleasure craft and other small craft and the holding of regattas and other public events within the port;
- (l) for regulating the launching of vessels within the port;
- (m) for prohibiting persons working or employed in or entering the port, or any part thereof, from smoking therein;
- (n) for regulating or preventing the use of fires and lights within the port and the premises belonging thereto, and within any vessel within the port;
- (o) for regulating traffic on railways within the port and the use of locomotives thereon;
- (p) for regulating the movement, speed and parking of vehicles within the port;
- (q) for regulating the exercise of the powers vested in the harbour master.

79 Byelaws as to lights and signals, etc.

- (1) Subject to the provisions of this Act, the Authority may make byelaws for all or any of the following purposes:—
 - (a) for prescribing the lights and signals to be carried, exhibited or made by vessels while being used, navigated or moored within the port;
 - (b) for prescribing the lights and signals to be exhibited or made by vessels aground within the port;
 - (c) for prescribing the lights and signals to be exhibited or made by wreckmarking vessels or by other devices used for marking obstructions within the port;
 - (d) for prescribing steering and sailing rules for the regulation of vessels used or navigated within or entering or leaving the port;
 - (e) for prescribing the lights and signals to be exhibited or made at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the port.
- (2) In this section " signals " includes sound signals.
- (3) Different byelaws may be made under this section in relation to different classes of vessel.

80 Byelaws relating to certain dangerous goods

- (1) The Authority may make byelaws as to the loading and discharging by vessels within the port of dangerous goods (which expression in this section does not include dangerous goods to which byelaws made by the Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply), and as to the bringing, handling, transport or storage of such goods within the port, and generally as to the precautions to be observed with respect to such goods while within the port, and such byelaws may in particular provide—
 - (a) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging;
 - (b) for regulating the places at which vessels carrying dangerous goods are to be moored; and
 - (c) for the due enforcement of the byelaws.

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- (2) Where a person is charged with an offence against a byelaw in force under this section it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him, and, if that person is charged as the owner or master of a vessel, that in addition all reasonable means were taken by the master to prevent the commission of the offence.
- (3) Byelaws made under subsection (1) of this section may contain provisions for imposing on persons offending against any of the byelaws penalties not exceeding, on summary conviction, a fine of one hundred pounds, and, on conviction on indictment, imprisonment for a term of six months, either in addition to, or in substitution for, a fine.

81 Confirmation of byelaws and fines thereunder

- (1) (a) All byelaws made by the Authority under this Act shall be subject to the provisions contained in subsections (3) to (8) of section 236 and in section 238 of the Local Government Act, 1972, and those sections shall for the purposes of this section be construed as if the Authority were a local authority within the meaning of the said Act of 1972 and the reference to " the proper officer of the authority " included a reference to the secretary of the Authority.
 - (b) In its application to byelaws made by the Authority subsection (7) of the said section 236 shall be construed as if it had been amended by the insertion of the words

“or confirm with modifications” after the word " confirm " in the second place where that word occurs:

Provided that where the confirming authority proposes to make a modification which appears to him to be substantial, he shall inform the Authority and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Authority and by other persons who have been informed of it.

- (2) Except where otherwise provided by this Act a person offending against any byelaw made by the Authority under this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds.
- (3) The confirming authority for the purposes of the said section 236 shall be the Secretary of State for the Environment.