



THE
THANET DISTRICT COUNCIL
BYELAWS
FOR
THE REGULATION OF
RAMSGATE HARBOUR

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Thanet District Council, in exercise of the powers conferred on it by Section 83 of the Harbours, Docks and Piers Clauses Act 1847, as incorporated into Section 3(2) of the Ramsgate Corporation Act 1934, and all other powers enabling it in that behalf, hereby makes the following byelaws for the regulation of Ramsgate Harbour.

PART 1 -PRELIMINARY

Title and Commencement

1. These byelaws may be cited as The Ramsgate Harbour Byelaws 1994 and shall come into operation at the expiration of one month from the date of confirmation hereof by the Minister.

Application

2. These byelaws shall apply to Ramsgate Harbour (as the same is defined in Section 4 of the Ramsgate Corporation Act 1934) as extended by virtue of the Ramsgate Harbour Revision Order 1979 (S.I. 1980/364) save for so much of the carriageway and footways of the public highway known as Royal Parade as are situated within the limits of the said Harbour.

Interpretation

3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them.

"animal" shall have the same meaning as The Rabies (Control) Order 1974 (S.I. 1974/2212) as the same may be amended from time to time;

"the Authority" means the Thanet District Council;

"Collision Regulations" means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

"Fire Brigade" means the brigade under Section 1 of the Fire Services Act 1947 for the area in which the harbour is situated;

"goods" means all articles and merchandise of every description and includes fish, livestock and animals;

"harbour" means the harbour as described in the byelaw numbered 2 above.

"the harbour master" means the person appointed as such pursuant to section 22 of the Ramsgate Corporation Act 1934 and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity;

"the harbour premises" means the docks, quays, jetties, wharf's, stages and all other works, land and buildings for the time being vested in or occupied or administered by 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;

"master" when used in relation to any vessel, means any person, excluding a night watchman, having the command, charge or management of the vessel for the time being;

"owner" when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods, and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel, includes any part-owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

"quay" means any quay, 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;

"small vessel" means any vessel of less than 20 meters in length or a sailing vessel and, for the purpose 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, trailers, caravans and mobile homes, and includes a hovercraft or any other amphibious vehicle;

"vessel" includes any ship, lighter, keel, barge, boat, wherry, raft or craft or any other kind of vessel whatsoever however navigated or propelled and any seaplane, hydroplane or other aircraft, and a hovercraft or any other amphibious vehicle.

PART II - MOVEMENT AND NAVIGATION

Entering and Leaving Inner Harbour

4. The master of a vessel shall not permit the vessel to approach closer than 200 feet from the entrance to the Inner Harbour when entering or leaving until permitted so to do by the Harbour Master and the master of a vessel shall comply with any direction of the harbour as to approaching and passing in or out in turn.

Vessel Movements

5. The master of a vessel shall give prior notice to the Harbour Master of the vessel's arrival at, departure from, or movement within the harbour and shall comply with any directions to control such movements given by or on behalf of the Harbour Master, whether by the use of harbour traffic signals or otherwise.

Declaration of Particulars of Vessel

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

Small Vessels to Navigate Otherwise than Under Sail Only

7. No small vessel shall navigate under sail only, within the harbour, without previously having obtained the written permission of the Harbour Master.

Vessels Not to Have Sail and Provisions as to Fishing Vessels

8. No vessel shall enter or leave the Inner Harbour with sails set and before entering or leaving the Inner Harbour fishing vessels shall rig in their booms and shall have their trawl beams stowed in such a manner as shall ensure that no damage may be caused to harbour property or to any other vessel and no fishing vessel may be towed to sea until it is clear of the harbour entrances.

Speed of Vessels

9. Except with the permission of the Harbour Master, and subject to the Collision Regulations, the master of a vessel shall not knowingly cause or permit the vessel to proceed at a speed greater than 5 knots through the water.

Vessels Not to Obstruct Fairway

10. The master of any vessel which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

Vessels Not to be Made Fast to Navigation Buoys of Marks

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

Notification of Collisions etc

12. 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 in a harbour area; 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 to a fairway;

shall as soon as reasonably practicable 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 of to moor or anchor in safety otherwise than with the permission, and in accordance with the directions, of the Harbour Master.

Vessels Adrift

13. The master of a vessel which parts from its moorings shall, as soon as possible, report the same to the Harbour Master.
 - (a) to attend to his vessel's moorings;
 - (b) to comply with any directions given by the Harbour Master for the unmooring and mooring of his vessel; and
 - (c) to deal, so far as reasonably practicable, with any emergency that may arise.

PART III - BERTHING AND MOORING

Provision of Proper Fenders

14. 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 entering, berthing and leaving, or lying at a quay or against other vessels, the master shall cause the vessel to be fended off from the quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be Properly Berthed

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

Sufficiency of Crew

16. 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 his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:-

Vessels to be Kept in a Moveable Condition

17. (1) The master of a seagoing vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the Harbour Master and, subject as aforesaid, shall be 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 as soon as reasonably practicable and give to him any further information which the Harbour Master may reasonably require.

Vessels not to Make Fast to Unauthorised Objects

18. No master of a vessel shall permit the same to be made fast to any quay, post, ring, fender or other thing if the Harbour Master shall have directed the master not to do so nor shall a master permit a vessel to remain made fast to any quay, post, ring, fender or other thing if the Harbour Master shall have directed the master to move the vessel to some other part of the harbour available for the berthing or mooring of the vessel.

Access Across Decks

19. 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 or Propeller

20. (1) The master of a vessel which has slipped or parted from, or lost, any anchor, chain or propeller shall as soon as reasonably practicable give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller 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 shall leave a buoy to mark the position thereof.

PART 1V - GOODS AND ROAD AND RAIL TRAFFIC

Requirements as to Handling and Movement of Goods in the Harbour

21. (1) The owner of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and, in any case, within 48 hours unless the Harbour Master otherwise agrees.
- (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 premises.
- (3) The owner of any goods or equipment shall be responsible for ensuring that all quays are left in a clean and tidy condition on completion of any discharging or loading or otherwise bringing goods or equipment into those parts of the harbour premises which are not covered by the Docks Regulation 1988.

Precaution against Goods etc Falling into Harbour Waters or the Authority's Premises

22. The master of a vessel and a 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, damage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Authority.

Obstruction etc at Harbour Premises

23. No person shall:-
- (a) except with the permission of the Harbour Master, deposit or place on any part of the harbour premises any goods, or park any vehicle, so as to obstruct any road, building, mooring place, plant, machinery or apparatus, or the access thereof, or
 - (b) without lawful authority, use, work, move or tamper with any plant, machinery, equipment or apparatus at the harbour premises; or
 - (c) except with the permission of the Harbour Master, drive a vehicle or ride any bicycle on the East or West Piers nor cause nor permit any vehicle, bicycle, cart, wagon or barrow to be parked or left within the harbour premises.

Safe Driving of Vehicles

24. No person shall drive or otherwise operate a vehicle in those parts of the harbour premises, which are not covered by the Docks Regulations 1988 without due care and attention or without reasonable consideration for other persons using those same parts of the harbour premises.

Speed Limit for Vehicles

25. No person shall drive or otherwise operate a vehicle anywhere in the harbour premises at a speed greater than 10 miles per hour in the case of road vehicles and 10 miles per hour in the case of vehicles on rails.

Supervision of Vehicles

26. A person having charge of a vehicle in the harbour premises 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:-
- (a) leave the vehicle unattended anywhere within the harbour premises;
or
 - (b) take it into any shed or working area.

Loads not to Leak, Spill or Drop

27. The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

Refuelling etc of Vehicles

28. No person shall, within the harbour premises, charge or re-charge any vehicle with or empty it of, fuel except with the permission of the harbour master.

Precedence of Locomotives etc

29. A person driving or otherwise operating a road vehicle within the harbour premises shall give way to any locomotive, railway rolling stock or other rail vehicles.

Driving on Weighbridges

30. No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

Accidents to be Reported

31. Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby an 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.

PART V - USE OF SLIPWAYS AND REPAIRING VESSELS IN HARBOUR

Delivery of Particulars and Need for Written Order

32. No vessel shall be placed on any slip until the master or owner of the vessel shall have delivered an accurate and true statement in writing to the harbour master specifying the name of the vessel, the length of the keel of the vessel and the quantity of ballast and goods on board together with as accurate and true a description as may be of the repairs or other work to be done to the vessel and of the time required to complete such repairs or other work and the harbour master shall have granted a written order permitting the vessel to be placed on a slip according to the priority of application (except as provided by Byelaw 35) as entered in the book kept by the harbour master for the purpose, provided that if such vessel is not ready for her turn the harbour master may by written order permit the next vessel in succession to be placed on the slip and the master of the first-mentioned vessel shall not place such vessel on any slip without the further written order of the harbour master.

Compliance with Conditions and Removal from Slips

33. The master and owner of a vessel shall comply with all reasonable conditions, requirements and other stipulations as shall be contained in the written order of the harbour master as to the use of any slip and as to the length of time such vessel may be permitted to remain on any slip and the master of a vessel shall remove the vessel from the slip at the expiration of the length of time specified in the said written order if required so to do by the harbour master.

Removal by Harbour Master

34. No person shall obstruct or hinder the harbour master, nor any person called upon by him to assist him, in entering into and upon any vessel for the purpose of and in removing such vessel from any slip if such vessel has been required to be removed from such slip.

Vessels Taking Other Vessel's Turns

35. No vessel shall take another vessel's turn to use a slip unless a written agreement to that effect shall have been signed by the respective owners or masters of those vessels and a copy thereof delivered to the harbour master and the harbour master shall have signified his consent thereto in writing.

Rubbish and Debris to be Removed

36. The master of every vessel being repaired or otherwise worked on any slip or elsewhere within the harbour shall ensure that no chippings, debris, dirt, rubbish or other matter whatsoever shall be allowed to accumulate on the said slip or elsewhere in the harbour or harbour premises.

PART VI - FIRE SAFETY AND PRECAUTIONS

Fire Precautions

37. Every person in the area to which these byelaws apply shall take all reasonable precautions for the prevention of fire.

All Vessels to Maintain Adequate Watch and Notify any Accident, Fire etc.

38. Unless exempted in writing by the harbour master, the master of every vessel shall ensure that, when lying at a quay or against other vessels, an adequate watch is maintained and that, in the event of any danger, accident, disturbance or fire within the harbour area, the watch shall as soon as reasonably practicable give an alarm and notify the harbour master.

Access for the Fire Brigade

39. No person shall intentionally obstruct the access to the harbour or to any of the harbour premises so as to prevent or inhibit access by the Fire Brigade or any other of the emergency services.

Tempering with Equipment

40. No person shall without lawful authority displace or tamper with any safety or fire equipment within the harbour except in the event of an emergency.

Naked Lights and Flammable Matter

41. (1) No person shall without reasonable excuse or prior written permission from the harbour master burn or heat any flammable matter or have or permit any fire or naked light in the harbour.
- (2) No person shall smoke or carry a lighted pipe, cigar or cigarette within the harbour:-
- (a) where smoking is expressly prohibited by notice exhibited in a conspicuous position in any part of the harbour, or

- (b) if requested by the harbour master not to do so in or upon any part of the harbour or any part of the harbour premises where smoking or carrying a lighted pipe, cigar, cigarette may reasonably in his opinion be dangerous.

No Rockets or Fireworks Without Permission

- 42. No person other than Her Majesty's Coastguard shall set off rockets or fireworks in the harbour without the prior written permission of the harbour master.

Assistance to Fire and Other Services

- 43. The master of every vessel shall give every reasonable facility and assistance to the Fire Brigade and every other emergency service, including the Police and Ambulance Services, for dealing with, alleviating and preventing any fire or other emergency.

PART VII - ANIMALS

- 44. (1) Save as hereinafter provided in paragraph (3) of the byelaw, no person being in charge of an animal shall cause, permit or suffer such animal to enter or remain in the harbour and, without prejudice to the generality of the foregoing, no person shall take or keep such animal on board, or land such animal from, any vessel within the harbour.
- (2) For the purposes of paragraph (1) of this byelaw, the owner of an animal shall be deemed to be in charge thereof unless the owner shall prove that, at the time the offence against this byelaw was committed, the animal had been placed in or taken into the charge of some other person.
- (3) This byelaw shall not apply to the use by any constable, or member of Her Majesty's Customs and Excise or any member of Her Majesty's Armed Forces, of any dog or other animal in connection with the detection of crime or the enforcement of the law.

PART VIII - GENERAL

Inspection Facilities etc to be Made Available to Harbour Master

- 45. 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.

Vessels Not be Fumigated without Permission

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

Laying down Moorings, Buoys and Other Tackle

47. (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or prior consent in writing of the harbour master, nor otherwise than in accordance with such conditions as the harbour master 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 harbour master so directs.

Drift or Trawling Nets to Obstruct Vessels

48. No person shall cast or place any drift, thrown 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

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

Vessels to have Names marked on Them

50. 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

51. (1) No person shall abandon a vessel on the banks or shore of the harbour.
- (2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel on the banks or shore of 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 is shown.

Vessels and Wrecks Not to be Broken up

52. No person shall break up or cause to be broken up or attempt to break up any vessel or part of a vessel or wreck of a vessel in the harbour or in or on any part of the harbour premises without having previously obtained the written permission of the harbour master.

Water-skiing, Aquaplaning etc

53. (1) No person shall engage or take part in water-skiing or aquaplaning except with the written permission of the Authority, given either specifically or generally, and only in such areas as may be designated and in accordance with such reasonable condition as may be imposed.
- (2) A master, whilst using his vessel for the purpose of towing or water-skier or a person aquaplaning, shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water-skier, and shall carry:-
- (a) for each person on board, a life jacket manufactured in accordance with appropriate British Standards Specification or a personal buoyancy aid of the Ship and Boat Builders National Federation approved type, two hand-held distress signals and a fire extinguisher.
- (b) For each person water-skiing or aquaplaning, a rescue quilt with line or other sufficient hand-thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without the prior written consent of the Authority, given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Authority.

Persons Not to Live on Board Vessels

54. Except with the prior written consent of the Authority, no person shall use or permit the use of a vessel in the harbour as the only or main place of abode of any person and, without prejudice to the foregoing, no person shall use or permit the use of a vessel in the harbour as accommodation for more than fourteen consecutive days nor for more than fifty-two days in total in any calendar year.

Obstruction of Officers of the Authority

55. No person shall intentionally obstruct any officer or employee of the Authority in the execution of his duties.

Meetings

56. Except with the consent of the harbour master, no person shall within the harbour premises:-
- (a) take part in any general meeting or
- (b) gather together or deliver any address to an audience, or gather together any persons, whereby any work of business at the harbour, or the control, management or use of the harbour is, or is likely to be, obstructed, impeded or hindered.

Unauthorised Trading Prohibited

57. No person shall engage, by way of trade, in buying or selling any goods or property in the harbour premises without the written consent of the Authority.

Swimming and Fishing

58. Swimming and fishing is prohibited within the harbour without the permission of the harbour master.

Penalties

59. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed by the harbour master in the exercise of the powers conferred upon him by these byelaws, shall be guilty of an offence and be liable, or conviction before a court of summary jurisdiction, to a fine not exceeding Level 3 on the standard scale except in the cases of the byelaws numbered 44, 50, 56 and 57, in which cases the fine shall exceed 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 shall be guilty of an offence, and that other person may be charged with, and convicted of the offence by virtue of this byelaw, 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
- (c) 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 of 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.

Revocations:

60. The byelaws made by the Board of Trade and allowed on the seventh day of August 1903 and the eighteenth day of the tenth day of October 1910 and the byelaws made by the Ministry of Transport and allowed on the second day of April 1921 and the byelaws made by the Minister of Transport and allowed on the fourth day of October 1924 and the twenty-eighth day of January 1929 and the byelaw made by the Thanet District Council on the twenty-first day of March 1977 and confirmed by the Secretary of State for Transport on the twentieth day of May 1977, all of which are in respect of Ramsgate Harbour, are

revoked with effect from the date on which these byelaws shall come into operation.

A plan is annexed for identification purposes only which illustrates the area effected by these byelaws.

MADE under the Common Seal
Of THANET DISTRICT COUNCIL
Which was hereunto affixed the
20th day of *June 1994* in the
presence of

Member of the Council

Principal Solicitor

The Secretary of State hereby confirms the foregoing byelaws

Signed on behalf of the Secretary of State for Transport on the Ninth day of August 1994.

