

# CARDIFF DOCK & HARBOUR BYE-LAWS 2003

Associated British Ports<sup>1</sup> in exercise of the powers conferred on it by section 83 of the Harbours, Docks & Piers Clauses Act 1847 (incorporated by section 4 of the British Transport Docks Act 1964), sections 52 and 53 of the British Transport Docks Act 1964, section 15(4) of the British Transport Docks Act 1972, section 57 of the Criminal Justice Act 1988 and of all other enabling powers, hereby makes the following Bye-Laws.

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## PART I

### PRELIMINARY

Title and  
Commencement

1. These Bye-Laws may be cited as the Cardiff Dock & Harbour Bye-Laws 2003, and shall come into force on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

Application

2. These Bye-Laws shall apply to all parts of the Dock & Harbour as defined in Bye-Law 3 hereof.

Interpretation

3. In these Bye-Laws, the following words or expressions have the meanings hereby respectively assigned to them:

“ABP” means Associated British Ports;

“authorised officer” means any officer, employee or agent of ABP acting in the execution of his duty upon or in connection with the Dock & Harbour;

“board sailing” means the navigation or propulsion of a sail board and “sail board” means a vessel in the form of a raft with a sail and which is designed to be navigated by a person standing upright thereon;

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<sup>1</sup> By the Transport Act 1981 and the Associated British Ports (Appointed Day and Designation of Holding Company) Order 1982 (SI 1982/1887) the British Transport Docks Board which was established by the Transport Act 1962 was reconstituted on 31 December 1982 under the name of Associated British Ports.

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

“Dock & Harbour” means: -

(a) the dock entrance, channels, harbour and all other places within the limits of the harbour as defined in Section 15(2) of the British Transport Docks Act 1972 as having effect in accordance with section 17 of the Cardiff Bay Barrage Act 1993, which limits are marked with a red line on the plan attached to these Bye-Laws; and

(b) the dock undertaking of ABP at Cardiff (hereinafter described as “the docks”) including any dry dock, slipway, lock or entrance, and all quays, jetties, plant, railways, buildings, sheds, entrances, approaches, roads, ways, bridges, gates, and all works and things and land comprising the said undertaking;

“harbour master” means the Dock & Harbour Master appointed by ABP and includes his authorised deputies and assistants and any person authorised by ABP to act in that capacity;

“master” when used in relation to any vessel means any person 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 or 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;

“personal watercraft” means a small recreational boat propelled by a directionally controlled water jet or by other mechanical means of propulsion and steered either:-

(a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or

(b) by the person or persons riding the craft using their body weight for the purpose; or

(c) by a combination of the methods referred to respectively in (a) and (b) above;

“quay” means any quay, wharf, jetty, dolphin, landing stage, pontoon, 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 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 every kind of vehicle propelled on rails or wheels, any machinery on wheels or caterpillar tracks, and any amphibious vehicle while operating on land;

“vessel” includes any ship, boat, raft or craft of every class or description, howsoever navigated or propelled, a hovercraft as defined in section 4 of the Hovercraft Act 1968 and a hydrofoil vessel.

## PART II

### NAVIGATION OF VESSELS

Declaration of particulars  
of vessel

4. The master of a vessel arriving at the Dock & 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, destination and particulars of its cargo and the agents acting for the vessel whilst remaining in the Dock & Harbour.

Vessel Movements

5. Approaching and departing vessels must make every reasonable effort to establish and maintain contact with the Cardiff Dock & Harbour control on VHF.

Observance of signals

6. The master and owner of any vessel shall ensure that such vessel observes the harbour control signal lights and those relating to opening bridges.

Speed of vessels

7. within the Dock & Harbour shall ensure that such vessel is navigated with all reasonable care and caution and at a speed consistent with safe navigation.

Water skiing, Board sailing, Jetcraft, etc

8. Water skiing, board sailing and the use of personal watercraft in the Dock & Harbour may take place only with the written consent of the harbour master and in accordance with such reasonable conditions as he may impose.

Conduct of small vessels

9 The master or person in charge of a small vessel shall not make use of navigable channels or approaches to quays, piers and jetties in such a way as to cause an obstruction or impede the movement of any other vessel in the Dock & Harbour.

Navigation under influence of drink or drugs prohibited

10. A person shall not navigate any vessel in the Dock & Harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

Power driven vessel Underway

11. The master of a power driven vessel underway shall either be on the bridge or control position of the vessel himself or ensure that there is on the bridge or control position a member of the crew who is capable of taking command of the vessel and, when a pilot is on board, is capable of understanding the pilot's directions.

Notification of collisions,  
etc.

12. The master of a vessel which:
- (a) has been involved in a collision with any vessel, navigational mark, shore facility or property or has been sunk or grounded or become stranded in the Dock & Harbour; 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;

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 moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master.

### PART III

#### MOORING AND MANAGEMENT OF VESSELS

Provision of  
Proper fenders

13. The master and the owner of a vessel shall ensure that it is provided with sufficient number of fenders adequate for the size of their vessel and, when berthing and leaving or lying at a quay or 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, those other vessels or any other property.

Sufficiency of crew

14. Except with the permission of the harbour master, the master of a vessel shall at all times when his vessel is within the Dock & 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-

- (a) to attend to his vessel's moorings;

(b) to comply with any directions given by the harbour master for the unmooring, mooring and moving of his vessel; and

(c) to deal, so far as reasonably practicable, with any emergency that may arise.

Vessels berthed to be laid close alongside

15. The master and owner of a vessel which is berthed within the Dock & Harbour shall ensure that such vessel is close alongside and securely made fast at all times unless otherwise directed by the harbour master.

Access to and egress from Vessels

16. The master and the owner of a vessel (other than a small vessel) while berthed alongside a quay shall, except where the Merchant Shipping (Means of Access) Regulations 1988 apply, provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

Fire extinguishing Equipment

17. The master of every vessel within the Dock & Harbour 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.

Fire precautions on vessels

18. (1) The master of every vessel within the Dock & Harbour shall ensure that no fire shall be allowed thereon except in suitable containers and under watch.

(2) No person shall bring on board a vessel or shall use on a vessel any combustible or flammable materials, fuels, oils or gases or warning flares or similar safety equipment unless the same are securely contained in a safe and proper manner.

Signalling and reporting fires in docks

19. (1) The master of a vessel which is on fire or is at a quay which is on fire shall sound a signal of

seven or more blasts followed by a prolonged blast, and repeat the signal until the alarm has been raised.

(2) In addition, the master of such vessel shall ensure, immediately, that the fire services are summoned and that the harbour master is notified and provided with full details of the fire.

Assistance to fire and other services

20. The master of a vessel shall give every reasonable assistance to the harbour master and fire brigade, police, ambulance and other emergency services for dealing with, alleviating or preventing fire, danger or other emergency.

Moored vessels not to be cut adrift, etc.

21. No person shall cut adrift or unlawfully or without authority unloose any vessel which may be made fast or moored in any part of the Dock & Harbour.

Navigational aids not to be made fast to, tampered with, etc.

22. No person shall make a vessel fast to, cast adrift or tamper with any navigational buoy, light, beacon, seamark or tideboard within the Dock & Harbour.

Vessels to be kept in a moveable condition

23. Except where the vessel is lying aground, the master or owner of a sea-going vessel shall not, without first notifying the harbour master, take any action to render his vessel incapable of movement.

Machinery on board vessels not to be unattended when operating

24. The master or owner of a vessel shall not permit his vessel to be left unattended whilst on-board machinery is running except with the permission of the harbour master.

Use of engines while vessel moored or berthed

25. The master or owner of a vessel which is at a quay, or attached to a mooring device, shall not permit the engines of his vessel to be worked in such a manner as to knowingly or negligently cause injury or damage to the bed, banks or quays of the Dock & Harbour or to any other vessel or property.

Testing of engines

26. The master or owner of a vessel within the Dock & Harbour shall not permit or cause the

engines of such vessel to be set in motion for trial purposes without the written consent of the harbour master or otherwise than in accordance with the terms of such consent.

Equipment on vessels not to cause obstruction or damage

27. The master or owner of any vessel shall not permit derricks, davits, beams, doors or any other equipment to overhang the side of the vessel in such a manner as to obstruct safe mooring or cause damage to another vessel alongside whilst within the Dock & Harbour.

Access across decks

28. The master and owner of a vessel within the Dock & Harbour shall allow facilities for the free and safe passage across or over the deck of his vessel to or from any other vessel lying farther from the quay.

Unauthorised grit blasting or spray painting

29. No master or owner of a vessel within the Dock & Harbour shall permit grit blasting or spray painting on board that vessel unless contained in an area designated for that purpose by the harbour master or with written consent from the harbour master or other authorised officer.

Lost anchor, cable or propeller

30. The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller shall-

(a) 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 reasonably practicable;

(b) in the case of an anchor or propeller leave a buoy to mark the position thereof if this is known.



Laying down moorings,  
buoys and other tackle

31. (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or the written consent of the harbour master nor except in accordance with such conditions as the harbour master may impose.

(2) A mooring, buoy or similar tackle which has not been authorised under paragraph (1) above shall as soon as reasonably practicable forthwith be removed by its owner or any other person claiming possession of it if the harbour master so directs.

(3) The harbour master shall not unreasonably refuse to grant a licence to the owner or lessee of any land not owned by ABP to lay down any mooring, buoy or similar tackle on that land.

Working Overside

32. Except in an emergency the master of a vessel berthed within the Dock & Harbour shall not allow a lifeboat, liferaft, or other floating craft or platform to be lowered or deployed into the waters of the Dock & Harbour without the permission of the harbour master.

## PART IV

### GOODS AND ROAD AND RAIL TRAFFIC

Handling and movement  
of goods in the harbour

33. 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 any premises within the docks.

Precaution against goods  
falling into harbour waters

34. (1) The master or the owner of any vessel into or from which cargo is being loaded or discharged, or any other person handling cargo, discharge ballast or other materials in the Dock & Harbour shall not cause or permit any such materials to fall or escape into the waters of the Dock & Harbour.

(2) If any such occurrence as is referred to in paragraph (1) of this Bye-Law does take place, the master or owner of the vessel in question, or the person handling the material shall —

(a) give immediate notice of the occurrence to the harbour master stating, if possible, the position of the material which has fallen or escaped; and

(b) take steps as soon as practicable for the recovery of such material if the harbour master so directs, and comply with any directions of the harbour master in that regard.

Loads not to leak

35. The owner, driver or other person having charge of a vehicle in the docks shall not permit to leak, spill or drop from the vehicle any polluting substance or any substance which is likely to present a hazard to other users of the docks.

Supervision of vehicles

36. (1) No person shall, without the permission of the harbour master —

(a) bring a vehicle into the docks; or

(b) leave it unattended within the docks.

(2) A person having charge of vehicle within the docks shall at all times comply with any directions of the harbour master with respect to the loading, discharging, manoeuvring and removal of that vehicle.

Refuelling

37. No person shall within the docks charge or recharge any vehicle with, or empty it of, fuel except with the permission of the harbour master or at a place designated by ABP for that purpose.

Accidents to be reported

38. Any person driving or otherwise operating a vehicle involved in an accident in the docks whereby any 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.

Precedence of Locomotives

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

## PART V

### GENERAL

Fire precautions

40. (1) Every person in the Dock & Harbour shall take all reasonable precautions for the prevention of accidental fire or accidents by fire.

(2) No person shall without lawful authority displace or interfere with any safety or fire equipment in the Dock & Harbour except in the event of an emergency.

No smoking or fires

41. No person shall smoke or carry a lighted pipe, cigar or cigarette or light fires, on any premises within the Dock & Harbour:

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

(b) if requested by the harbour master or an authorised officer not to do so in or upon any part of the premises 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 premises.

Use of welding and burning equipment

42. (1) Where any operation including the use of hot rivets, welding or burning equipment or any other potential source of ignition is undertaken in any part of the Dock & Harbour, the operators shall take

such precautions including the removal of flammable materials as may reasonably be necessary to prevent fire and to avoid injury.

(2) No such operation as is referred to in paragraph (1) of this Bye-Law shall be undertaken in the Dock & Harbour except with the written consent of the harbour master and, without prejudice to the obligations of the operators under paragraph (1) of this Bye-Law, in accordance with such directions and conditions as he shall impose.

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

(4) The operators of any welding or burning equipment shall ensure that every compressor or generator used in connection therewith shall be placed securely.

Entering whilst under  
the influence of drink  
or drugs

43. No person shall enter any premises within the Dock & Harbour whilst under the influence of drink or drugs.

Obstruction

44. No person shall place machinery, materials or rubbish on the docks in such a manner which may cause an obstruction to the lawful activities of other users or the safe passage of emergency services unless otherwise directed by the harbour master.

Oil and oil containers

45. No master or owner of a vessel shall leave or cause to be left any drums or containers of oil products, waste oil or mixtures containing oil, on the docks except with the permission of the harbour master.

Dumping in harbour  
waters prohibited

46. No person shall deposit or throw any article or material into the waters of the Dock & Harbour.

Abandonment of  
vessels prohibited

47. (1) No person shall abandon a vessel on the banks or shore of the Dock & Harbour.

(2) For the purposes of paragraph (1) of this Bye-Law, a person who leaves a vessel on the banks or shore of the Dock & Harbour in such circumstances or for such 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.

Fishing in the harbour

48. No fishing devices may be used in any part of the Dock & Harbour without the permission of the harbour master.

Bathing in the harbour

49. No person shall dive or swim in the waters of the Dock & Harbour except with the permission of the harbour master.

Dogs and domestic  
Animals in the docks

50. No person shall bring any domestic or captive animal onto any part of the docks without the permission of the harbour master.

Vessels not to be fumigated  
without permission

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

No dragging or grappling  
without consent

52. Except for the purpose of recovering an anchor, chain cable or propeller slipped from or lost from a vessel, in accordance with a direction of the harbour master, 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

53. The owner of a vessel which is not registered as a ship under Part II of the Merchant Shipping Act 1995 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification and harbour of origin (if any) unless exempted from this requirement by ABP.

Notice of Events

54. No person shall stage any event likely to involve the assembly of small vessels in the Docks & Harbour except with the written consent of the harbour master and in accordance with such reasonable conditions as he may impose.

Unauthorised use or obstruction of lock gates

55. No person unless duly authorised shall open or close or obstruct the opening and closing or interfere with any lock gates, bridges, impounding pumps, sluices or feeder inlet valves.

Nets in the dock or lock chamber

56. No person shall cast or place in the Dock & Harbour any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including in the particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

Meetings

57. Except with the permission of the harbour master, no person shall within the Dock & Harbour —

(a) organise any general meetings; or

(b) deliver any address to an audience or gather together any persons whereby any work or business at the docks or the control, management or use of the Dock & Harbour is, or is likely to be, obstructed, impeded or hindered.

Unauthorised Trading Prohibited

58. (1) No person shall engage by way of trade, in buying or selling any goods, services or property in the docks without the written consent of the harbour master and in accordance with such reasonable conditions as he may impose.

(2) Paragraph (1) of this Bye-Law shall not apply to buying or selling by a person on land which he occupies in the docks as a tenant or licensee of ABP for a purpose which includes the undertaking of that buying or selling.

Inspection Facilities

59. The master of a vessel shall so far as may be required 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.

#### PART IV

### PENALTIES FOR CONTRAVENTION OF BYE-LAWS, RESPONSIBILITY AND DEFENCE

Penalties

60. Any person contravening these Bye-Laws or any condition, requirement or prohibition imposed by the harbour master in the exercise of the powers conferred on him by these Bye-Laws, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale, except in the case of Bye-Laws 48 and 50 where level 2 will apply and Bye-Law 11 where level 4 will apply.

Responsibility

61. Where the commission by any person of an offence under these Bye-Laws is due to the act or default of some other person, that other person shall be guilty of the offence; and that other person may be charged with, and convicted of, the offence by virtue of this Bye-Law whether or not proceedings for the offence are taken against any other person.

Offence committed by  
body corporate

62. (1) Where an offence under these Bye-Laws which is committed by a body corporate is proved to be committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purpose of (1) above "director", in relation to any body corporate whose affairs are

managed by its members, means any member of the body.

Defence

63. (1) In any proceedings for an offence under these Bye-Laws, 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.

(2) If in any case the defence provided by paragraph (1)(a) of this Bye-Law involves the allegations 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.

## PART VII

### CROWN SAVING

Crown saving

64. Nothing contained in these Bye-Laws shall be deemed to be or shall operate as a grant by or on behalf of the Crown of any estate or interest or right over the foreshore or seabed or any part thereof owned by the Crown from time to time, nor shall anything contained or done under any of the provisions of these Bye-Laws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore and seabed, or prevent the exercise thereon of any public rights of prejudice or injuriously affect any right, power, or privilege legally exercisable by any person in over or in respect of the foreshore or seabed.



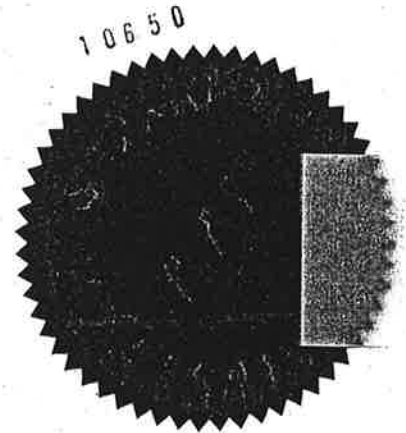
PART VIII

REVOCATION OF BYE-LAWS

Revocation

65. The Bye-Laws for the regulation of the Bute Dock (Cardiff) made by the Great Western Railway Company on the first day of March 1923 shall be revoked to the extent that they apply within the Dock & Harbour<sup>1</sup>.

THE COMMON SEAL OF  
ASSOCIATED BRITISH PORTS  
Was hereunto affixed in the presence  
of:



*S K Reeves*  
.....  
Secretary/~~Deputy Secretary~~/Director

on the 7<sup>th</sup> day of March 2003

THE SECRETARY OF STATE hereby confirms the foregoing Bye-Laws.

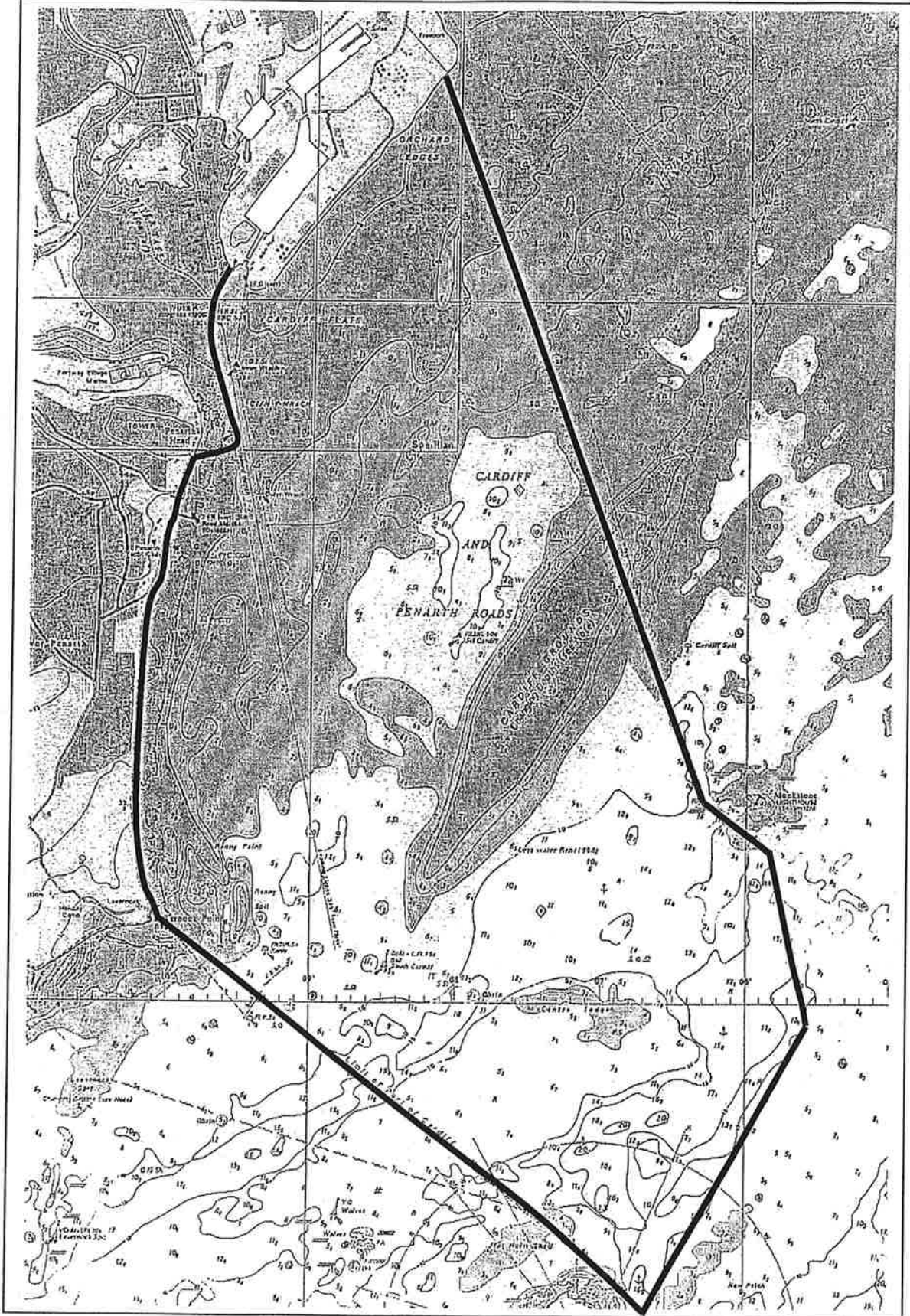
Signed on behalf of the Secretary of State for Transport

This day of 2003

S K Reeves  
Head of Ports Division  
Department for Transport

<sup>1</sup> By virtue of section 17 of the Cardiff Bay Barrage Act 1993, c.42., Associated British Ports has ceased to be the harbour authority for part of the area subject to those byelaws.

Limits of the Port of Cardiff



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