

1990
PORT OR HARBOUR
OF
NEWPORT
IN THE
COUNTY OF GWENT

BYELAWS
AND ADDITIONAL BYELAWS 1990

Made by the NEWPORT HARBOUR
COMMISSIONERS under the Newport
(Monmouthshire) Harbour Act 1890, and the
Harbours, Docks, and Piers Clauses act 1948.

STATUTORY INSTRUMENT
THE NEWPORT (GWENT)
HARBOUR REVISION ORDER 1982

Made by the Secretary of State for Transport
Under the Harbour Act 1964

TERMS AND CONDITIONS
FOR
LICENSED BOATS AND BOATMEN

**PORT OR HARBOUR OF NEWPORT
In the County of Gwent**

BYELAWS

The Newport Harbour Commissioners in exercise of the powers conferred by section 95 of the Newport (Monmouthshire) Harbour Act of 1890 and of Section 83 of the Harbour Docks and Piers Clauses Act of 1847 and of all other powers them enabling hereby make the following byelaws:

PART I – PRELIMINARY

Title and Commencement

1. These byelaws may be cited as the Newport Harbour Byelaws 1981 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

2. **APPLICATION**

These byelaws shall apply to all parts of the Harbour the limits of jurisdiction of which are defined in the several Acts constituting such Newport Harbour Commissioners viz: those parts of the Bristol Channel and the Rivers Usk and Ebbw which lie between an imaginary line drawn in 259° true direction from Goldcliff until it meets the shore of the Bristol Channel eastward of Peterstone Wentloog Church and the bridge over the River Usk at Newport and the bridge carrying the South Wales Railway of British Rail over the River Ebbw and the banks and shores of such parts of the said channel and rivers and any works on such banks and shores and all streams, pools, creeks, havens, bays and inlets within those limits.

3. **INTERPRETATIONS**

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

“Collision Regulations” has the meaning assigned to that expression by Section 418 of the Merchants Shipping Act 1894.

<p>Observance of Collision Regulations.</p> <p>Power Driven vessels navigating upriver of Julian Pill.</p>	<p>“The Commissioners” means the Newport Harbour Commissioners as defined in the several Acts constituting such Newport Harbour Commissioners.</p> <p>“The Harbour Master” means the person appointed as such pursuant to section 51 of the Harbour, Docks and Piers Clauses Act 1847 and includes his authorised deputies, assistants and members of his staff and any other persons authorised by the Commissioners to act in that capacity.</p> <p>“Master” when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being.</p> <p>“Mooring” shall include any rope, shackle, chain or other means by which the vessel is or may be secured or kept under control.</p> <p>“Owner” 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.</p> <p>“The River” means the parts of the River Usk within the limits of the Harbour as described above.</p> <p>“Swinging in the River” means a vessel swinging to her anchor in the river.</p> <p>“Vessel” includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.</p> <p>“Power Driven Vessel” means a vessel propelled by machinery.</p> <p style="text-align: center;">PART II – NAVIGATION</p> <p>4. Except as otherwise provided in these byelaws the Collision Regulations made in pursuance of the Merchant Shipping Acts and for the time being in force shall to all vessels navigating within the harbour.</p> <p>5. Power Driven vessels navigating to and from wharves may, when upriver of Julian Pill carry in the forepart of the vessel a bright white light at any convenient height above and in line with the stem and so placed as to be clear and above all other lights and obstructing superstructures, such light to be in lieu of all white light or white lights specified in the Collision</p>	
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<p>Vessels crossing the river or turning.</p>	<p>Regulations.</p> <p>6. The Master of a power driven vessel underway and about to turn and whilst turning shall sound on her whistle at intervals of not more than two minutes, four short blasts in succession followed, if turning with her head to starboard, by one short blast and if turning with her head to port, two short blasts.</p>	
<p>Navigation of Power Driven vessels in the harbour.</p>	<p>7. The Master of every power driven vessel shall navigate his vessel with such care and caution and at such speed and in such a manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuvring loading or discharging of vessels or with moorings, river banks or other property.</p>	
<p>Vessels to have anchor ready.</p>	<p>8. The Master of every vessel when navigating the river shall ensure that it has its anchor and chain ready to be let go in the event of an emergency requiring their use for the safety of such vessel or of any other vessel.</p> <p>9. (i) The Master of a power driven vessel navigating against the shall on approaching points or sharp bends in the river ease her speed and if necessary stop and wait before rounding so as to allow any other power driven vessel navigating with the tide to round and pass clear.</p> <p>(ii) The Master of any power driven vessel constrained by its draught or of any vessel restricted in its ability to manoeuvre as defined by and displaying the signs required by the Collision Regulations shall not be required to comply with the requirements of paragraph (I) of this byelaw provided that the Master of such exempted vessel when stemming the tide shall not be given the right to hamper a vessel swinging in the river.</p> <p>10. The Master of every vessel under way in the harbour when overtaken by fog shall ensure that it shall if possible and as soon as practicable be moored or anchored out of the navigable channel.</p> <p>11. The Master of every power driven vessel having any vessel in tow in the harbour shall attend upon such vessel until it is properly moored or secured.</p> <p>12. The Master of a vessel which:</p>	<p>Vessels to be carefully navigated.</p> <p>Vessels overtaken by fog.</p> <p>Power Driven vessels to attend vessels in tow until moored.</p> <p>Notification of collisions etc.</p>

<p>No anchor to be put down except in emergencies.</p> <p>Laying down moorings, buoys or other tackle.</p>	<p>(a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the harbour</p> <p>(b) by reason or accident, fire, defect or otherwise is in such condition as to affect its safe navigation or to give rise to danger to other vessels or property: or</p> <p>(c) in any manner gives rise to an obstruction to a fairway shall forthwith report the occurrence to the Harbour Master (and as soon as possible thereafter provide the Harbour Master with full details in writing) and where the damage to a vessel is such as to affect or be except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.</p> <p>13. The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.</p> <p style="text-align: center;">PART III – MOORINGS</p> <p>14. The Master of every vessel shall ensure that the vessel shall be moored securely and efficiently whilst at any public or private mooring place or at any public or private quay, wharf, jetty, drop, spout or landing place within the harbour and shall be kept effectively moored during high winds, freshes or accumulations of ice. No vessel shall be moored by means of anchors except in case of emergency.</p> <p>15. The Master of every vessel shall ensure that no anchor is put down from any vessel whether at moorings or in any other place in the harbour except where necessary for swinging or in cases of emergency or with the previous sanction of the Harbour Master and if such sanction be granted the anchor shall be placed clear of the navigable channel so as not to endanger any other vessel or property and a buoy rope and buoy shall be attached thereto.</p> <p>16. (ii) No person shall lay down any mooring, buoy or similar tackle without prior consent in writing of the Harbour Master nor except in accordance with such conditions as the Harbour Master may impose.</p> <p>(ii) A mooring, buoy or similar tackle shall forthwith be removed if the Harbour Master so directs.</p>	<p>Vessels not to be made fast to navigation buoys or marks.</p> <p>Vessels to be properly moored.</p>
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PART IV – GENERAL

Reasonable time to be allowed to Passengers to embark or disembark.

17. The Master of any vessel carrying passengers shall allow sufficient time for the embarkation and disembarkation of the passengers at any landing stage, quay or wharf. No passengers shall be permitted to nor attempt to embark on or disembark from any such vessel at any landing stage, quay or wharf whilst such vessel is in motion.

Taking Passengers or goods into or out of a vessel by means of boats.

18. The Master shall ensure, whenever any passengers or goods are to be taken on board of or landed from any vessel in the Harbour by means of a boat, the engines of such vessels shall be stopped and such engines shall not be put in motion again until such boat, whether with or without passengers, is quite clear and beyond the influence of the vessel or any surge occasioned by it.

Persons not to obstruct landing places.

19. No person shall obstruct the proper use of any landing stage or landing place in the harbour.

Navigation under influence of drink or drugs prohibited

20. No person shall be intoxicated whilst on the harbour premises or whilst engaged on any work or duties on board a vessel in the harbour.

Persons not to obstruct Commissioners' staff.

21. No person shall intentionally obstruct any person employed by the Commissioners while in the discharge of his duty.

Injuring Commissioners' property etc.

22. No person shall post bills or placards on any property or works of the Commissions.

Penalties for breach of byelaws.

23. (1) Any person doing anything prohibited by or otherwise offending against any of the foregoing byelaws numbered 4 to 16 inclusive shall be guilty of any offence and shall be liable on summary conviction to penalty not exceeding £50.

(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 that other person may be charged with, and convicted of, the 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 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 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 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.

24. The byelaws made by the Newport Harbour Commissioners on the 14th day of February 1894, the 18th day of February 1913, the 10th day of July 1925 and the 12th day of June 1940, and all other byelaws made by the Commissioners under the Newport (Monmouthshire) Harbour Act `890 and the Harbour, Docks and Piers Clauses act 1847 are hereby repealed.

Repeal of
previous
Byelaws

The Common Seal of the Newport Harbour Commissioners was hereunto affixed by order of the said Commissioners on the 11th day of November 1981 in the presence of

Signed S. E. WARD)
) Commissioners

Signed J. B. A. EDWARDS)

Signed W. J. SLADE Clerk to the Commissioners

The Secretary of State for Transport hereby confirms the foregoing byelaws.

Signed by authority of the Secretary of State this 24th day of February 1982.

E. B. C. OSMOTHERLY

An Assistant Secretary in
The Department of Transport

PORT OR HARBOUR OF NEWPORT

In the County of Gwent

BYELAWS

The Newport Harbour Commissioners in exercise of the powers conferred by Section 95 of the Newport (Monmouthshire) Harbour Act of 1890 and of Section 83 of the Harbour Docks and Piers Clauses Act of 1847 and of all other powers them enabling hereby make the following byelaws:

PART I – PRELIMINARY

Title and Commencement

1. These byelaws may be cited as the Additional Newport Harbour Byelaws 1990 and shall come into operation on the expiration of 28 days from the date of conformation thereof by the Secretary of State.

2. **APPLICATION**

These byelaws shall apply to all parts of the Harbour the limits of jurisdiction of which are defined in the several Acts constituting such Newport Harbour Commissioners viz: those parts of the Bristol Channel and the Rivers Usk and Ebbw which lie between an imaginary line drawn in 259^o true direction from Goldcliff until it meets the shore of the Bristol Channel eastward of Peterstone Church and the bridge of the River Usk at Newbridge and the bridge carrying the South Wales Railway of British Rail over the River Ebbw and the banks and shores of such parts of the said channel and rivers and any works on such banks and shores and all streams, pools, creeks, havens, bays and inlets within those limits.

3. **INTERPRETATIONS**

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

“The Commissioners” means the Newport Harbour Commissioners as defined in the several Acts constituting such Newport Harbour Commissioners.

“The River” means the parts of the River Usk within the limits of the Harbour as described above.

“Newport Pierhead” means the office of the Dock Master of Associated British Ports, Alexandra Dock, Newport, Gwent, situated at the lock entrance of the above named Alexandra Dock.

“IMO” means the International Maritime Organisation.

“Vessel” includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

**PART II – INSTRUCTIONS
FOR VESSELS TO FOLLOW WHEN
NAVIGATING WITHIN THE AREA OF JURISDICTION
OF THE NEWPORT HARBOUR COMMISSIONERS**

4. Agents and/or Berth Operators shall notify ‘Newport Pierhead’ of all intended River movements on a daily basis.
5. All vessels over 50 tons gross and all vessels carrying fare-paying passengers shall carry fixed or portable VHF radio/telephone equipment capable of communicating on marine bands.
6. All vessels referred to in section 5 are to maintain a listening watch on Channel 16 or on such other channel as may be specified by ‘Newport Pierhead’. When reporting the requested information to the Pierhead Radio only established radio telephone procedures and IMO standard marine navigational vocabulary to be used and these messages shall be brief and to the point.
7. Inward bound vessels will report to ‘Newport Pierhead’ radio at least 30 minutes prior to arrival at ‘West Usk Buoy’, then when passing ‘West Usk Buoy’ and then on arrival at final destination.
8. Outward bound vessels will report to ‘Newport Pierhead’ with expected time of sailing at least 30 minutes before leaving berth, also immediately prior to sailing and will finally report when clear of ‘West Usk Buoy’.
9. Any subsequent change to information already given under sections 4 and 9 should be passed on to ‘Newport Pierhead’ as soon as it is known.

PART III – GENERAL

10. (1) Any person doing anything prohibited or otherwise offending against any of the foregoing byelaws numbered 4 to 9 inclusive shall be guilty of an offence and shall be liable on summary conviction to penalty not exceeding level one of 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, 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 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 to prove;
- (a) That he took all reasonable precautions and exercised all due diligence to avoid the commission of such 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 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 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.

The Common Seal of the Newport Harbour
Commissioners was hereunto affixed by
order of the said Commissioners on the
14th day of March, 1990, in the presence of

Signed G. BUCKLOW)

Signed S. E. WARD) Commissioners

Signed L. M. CLARK Clerk to the Commissioners

The Secretary of State for Transport hereby confirms the foregoing byelaws.

Signed by authority of the Secretary of State this 16th day of March 1990.

J. R. FELLOES
An assistant Secretary in
The Department of Transport

CAUTIONARY NOTICE

In addition to the offences prescribed by the above byelaws there are numerous offences in respect of which penalties are enforceable and obligations under the public General acts of the Commissioners.

HARBOUR REVISION ORDER

LICENCE FOR BOATS AND BOATMEN

Terms and Conditions

1. This licence is issued under the authority of the Newport (Gwent) Harbour Revision Order 1982 the terms and conditions of which shall apply to all boats and boatmen's licenses issued for the harbour of Newport, Gwent. In addition the following terms and conditions shall apply.
2. The licence for each boat shall be the £5 per annum and shall continue in force for twelve months from the date of its issue. Such fee to include registry.
3. A number will be assigned to such boat and such number shall be forthwith distinctly painted on each bow thereof in which figures on a black ground, such figures to be not less than six inches in height and the name and abode of the registered proprietor shall be distinctly painted inside the stern.
4. Every registered boat whilst plying for hire, or carrying cargo shall have on board an efficient crew viz not less than two men, one of whom must prove to the satisfaction of the Harbour Master that he has had experience in the handling of a boat and must hold a licence under the authority of the Commissioners. A fee of £5 shall be charged for such licence.
5. Every boatman shall carry with him his licence and shall, when requested to do so, produce the same to the Harbour Master or his representative.
6. The minimum equipment of a boat shall consist of three oars, three rowlocks, or thole pins, rudder and tiller, boat hook, bailer, white globe lamp, two lifebuoys, one at each end of the boat, and a proper painter, not less than 11 metres long. No boat of under 6 metres in length shall be permitted to have licence for the carriage of cargo, but boats from 4.26 to 6 metres may be permitted to have licence for other use,.

STATUTORY INSTRUMENTS

1982 No.

HARBOURS, DOCKS, PIERS AND FERRIES

The Newport (Gwent) Harbour Revision Order 1982

Made 26th August 1982
Coming into Operation 1st October 1982

The secretary of state for Transport in exercise of the powers conferred by section 14 of the Harbours Act 1964 (a) and now vested in him (b) and of all powers enabling him in that behalf and on the application of the Newport (Gwent) Harbour Commissioners hereby makes the following order:

Citation and commencement

1. This Order may be cited as the Newport (Gwent) Harbour Revision Order 1982 and shall come into operation on 1st October 1982.

Interpretation

2. In this Order unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:

“the appointed day” has the meaning assigned to it by Article 10 of this Order;

“boat” means an open boat or other similar vessel plying for hire or carrying cargo;

“boatman” means the person in charge of such boat for the time being;

“the commissioners” means the Newport (Gwent) Harbour Commissioners as defined in the several Acts constituting such Newport (Gwent) Harbour Commissioners;

“enactment” includes an enactment in this Order or in any general or local Act and any order, byelaw, scheme, or regulation made under an act;

“the Harbour of Newport” means those parts of the Bristol Channel and the Rivers Usk and Ebbw which lie between an imaginary line drawn in a 259° true direction from Goldcliff until it meets to shore of the Bristol Channel eastward of Peterstone and Wentloog Church and the bridge over the River Usk at Newbridge and the bridge carrying the South Wales railway of the British Railways Board over the River Ebbw and the banks and shores of such parts of the said channel and rivers and any works on such banks and shores and all streams, pools, creeks, havens, bays and inlets within those limits.

Licensing of Boats and Boatmen

3. (1) The Commissioners may grant licences for boats and boatmen to which this article applies on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(2) On or after the appointed day no boat or boatmen to which this article applies shall operate in the harbour of Newport without a licence in respect of such boat and boatmen granted for the purpose by this Order.

(3) (a) This article applies to boats and boatmen plying for hire or reward or carrying cargo within the limits of the harbour.

(b) Any vessel issued with a Passenger Certificate by the Department of trade is exempted from this Order.

Applications for an provisions as to licences

4. (1) An application for a licence under this Order
 - (a) shall be made in writing to the Commissioners;
 - (b) shall be made on behalf of the person requiring the licence;
 - (c) shall be in such form as the Commissioners shall from time to time require;
 - (d) shall be signed by the applicant; and
 - (e) shall contain such information as the Commissioners may reasonably require with respect to the boat and the applicant.
- (2) A licence granted under this Order shall be in force for one year or for such shorter period (to be stated in the licence) as the Commissioners on the grant of the licence shall determine or until it is revoked under article 4 of this Order.
- (3) A person when making an application under this section shall pay to the Commissioners such reasonable fee as the Commissioners may think fit.

Power to revoke licences

5. If the holder of a licence granted under this Order fails to comply with any term, condition or restriction on or subject to which the licence may be revoked by the Commissioners by notice in writing to the holder at his last known address.

Penalties

6. Any person who contravenes Article 3(2) of this Order, or causes or permits it to be contravened shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £50.

Appeal to the Magistrates' Court

7. (1) An applicant for a licence under this Order who is aggrieved by,
- (a) the refusal of the Commissioners to grant a licence; or
 - (b) any term, condition or restriction upon which the licence is granted may within 28 days from the date on which the Commissioners notify the applicant of their decision appeal to the Magistrates' Court whose decision shall be binding on all parties.
- (2) Any person who is aggrieved by the revocation of his licence by the Commissioners may within 28 days from the date on which the Commissioners notify him of their decision appeal to the Magistrates' Court whose decision shall be binding on all parties.
- (3) Any person who appeals to the Magistrates' Court under this article shall give to the Commissioners notice of his appeal accompanied by a copy of his statement of appeal.

The procedure shall be by way of complaint for an order an Sections 51 to 57 of the Magistrates' court Act 1980 shall apply to the proceedings.

- (4) (a) On any appeal under this article the Magistrates' Court may,
- (i) dismiss the appeal or,
 - (ii) in the case of an appeal pursuant to paragraph (1) of this article, require the Commissioners to grant the licence upon such terms and conditions and subject to such restrictions as the Magistrates' Court may determine, or,
 - (iii) in the case of an appeal pursuant to paragraph (2) of this article, require the Commissioners to restore the licence.
- (b) The Commissioners shall give effect to any requirement made by the Magistrates' Court under this article.

Delivery up of the licence

8. (1) The Commissioners may require a licence which has expired or been revoked to be delivered up as they direct.
- (2) If any boatman fails without reasonable cause to comply with such a requirement he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

Powers of entry

9. (1) Any person appointed in writing for the purpose by the Commissioners may at all reasonable times enter any boat licensed under this Order with a view to seeing whether the provisions of this Order applicable to such boat and the terms, conditions or restrictions on or subject to which any licence under this Order has been granted are complied with.
- (2) Any person who refuses without reasonable cause to permit the person so Appointed on production on request of a document authorising and identifying him as such appointee to enter or inspect any such boat in accordance with the provisions of this article shall be liable on summary conviction to a fine not exceeding £50.

The appointed day

- 10 (1) In this Order “the appointed day” means the first day of the second month after the expiry of the month current at the commencement of this Order.
- (2) The Commissioners shall as soon as practicable after the commencement of this Order cause to be published in a local newspaper circulating in the Borough of Newport, Gwent, notice,
- (a) naming the appointed day; and
- (b) stating the general effect of the provisions of this Order.
- (3) Either,
- (a) a copy of such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the Clerk to the Commissioners to be a true reproduction of a page, or part of a page, of any such newspaper, bearing the date of its publication and containing any such notice,
- shall be evidence of the publication of the notice and the date of publication.
- (4) It shall be lawful for any person, who,
- (a) immediately before the appointed day was using in the harbour of Newport, Gwent, any boat to which article 3 of this Order applies or was the proprietor and or boatman of such boat; and
- (b) had before that day duly applied for a licence required by this Order to continue to use such boat until he is informed of the decision with regard to his application.

Cost of the Order

- 11 All costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto (other than those which any person is lawfully ordered to pay by the Secretary of State or a Joint

Committee of both Houses of Parliament or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Commissioners.

Signed by authority of the Secretary of State

26th August 1982

GILES HOPKINSON

An Under Secretary in the
Department of Transport

EXPLANATORY NOTE
(This Note is not part of the Order)

This Order extends the powers of the Newport Harbour Commissioners to enable them to licence and inspect boats plying for hire or reward or carrying cargo within the limits of the harbour and to licence the boatmen of such boats.

Provision is made for appeals against refusal or revocation of a licence or the terms, conditions or restrictions upon which such licence is granted.