

ASSOCIATED BRITISH PORTS
SOUTHAMPTON HARBOUR BYELAWS 2003

Part V	General	46 - 61
Part VI	Penalty for Contravention of Byelaws	62 – 67

Associated British Ports¹ in exercise of the powers conferred by section 83 of the Harbours, Docks & Piers Clauses Act 1847 (incorporated by section 4 of the British Transport Docks Act 1964 and applied by section 51 of that Act), section 53 of the Southampton Harbour Act 1863², sections 52 and 53 of the British Transport Docks Act 1964, section 16 of the British Transport Docks Act 1972 and of all other powers it enabling³, hereby make the following Byelaws.

PART 1

PRELIMINARY

1. Title and commencement

These byelaws may be cited as the Southampton Harbour Byelaws 2003 and shall come into force on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

2. Division into parts

These Byelaws are divided into parts as follows:-

		Byelaw Nos
Part I	Preliminary	1 – 3
Part II	Navigation of Vessels	4 – 16
Part III	Mooring and Management of Vessels	17 – 34
Part IV	Goods and Road and Rail Traffic	35 – 45

¹ By the Transport Act 1981 and the Associated British Ports (Appointed Day and Designated 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

² By virtue of the Southampton Harbour Reorganisation Scheme 1967 the functions of the Southampton Harbour Board were transferred to the British Transport Docks Board.

³ Section 57 of the Criminal Justice Act 1988 increased the maximum fine which can be imposed on summary conviction for an offence under harbour byelaws.

3. Interpretation

In these byelaws 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 port;

“by day” means between the hours of sunrise and sunset;

“by night” means between the hours of sunset and sunrise;

“the dock estate” means the docks, quays, jetties, stages and all other works, land and buildings within the Port for the time being vested in or occupied or administered by ABP;

“fairway” means a navigable channel which is a regular course or track of shipping including navigable channels marked, dredged or maintained by ABP;

“goods” shall mean cargo of any description whatsoever together with any plant (as defined hereunder), package, case, pallet, container or other thing which conveys, carries, contains, protects or supports cargo or is designed to be made to do so.

“HSC code” means the International code of safety for High Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organisation by resolution MSC36 (63);¹

“the harbour master” means the person appointed by ABP and includes his authorised deputies or assistants;

“high speed craft” has the same meaning as in the HSC code;

¹ The code was adopted by resolution of the IMO Marine Safety Committee at its sixty-third session (16-25 May 1994) and published by IMO in 1995, ISBN 92-801-1326-7. The address of the IMO is 4 Albert Embankment, London SE1 7SR.

"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 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 and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

"personal watercraft" means any watercraft (not being a structure which by reason of its shape provides buoyancy for the carriage of persons or goods) propelled by a jet engine or 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 his or their body weight for the purpose; or

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

'plant' shall mean any vehicle, trailer (whether or not carrying or incorporating any tank or container) machine or container;

"the Port" means the Port of Southampton as defined in section 5 of the Southampton Harbour Act 1887 as that section has effect in accordance with section 16 of the British Transport Docks Act 1972, and excluding the navigation as defined in the said section 16;

(NOTE: The limits of the Port are indicated by a red line drawn on the map annexed to these Byelaws);

"quay" means any quay, wharf, 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;

"sail boarding" means the navigation or propulsion of a sail board and sail board means a raft with a sail or sails designed to be operated by a person or persons standing upright thereon and includes windsurfing;

"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;

"underway" when used in relation to a vessel means when that vessel is not at anchor or moored or made fast to the shore or aground and includes a vessel kedging up or down the harbour with her anchor on the ground;

"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" means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

PART II

NAVIGATION OF VESSELS

Vessel movements

4. The master of any vessel exceeding 20 metres in length shall give reasonable prior notice to the harbour master of the vessel's arrival at, departure from or movement within, the Port. These vessels must additionally report to the harbour master by VHF when passing reporting points as indicated on the Admiralty Chart.

Declaration of particulars of vessel

5. The master of a vessel arriving at the Port shall, if required by the harbour master, furnish to him a declaration 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 and the agents acting for the vessel while remaining in the Port.

Vessels entering and leaving docks

6. No person shall take, or attempt to take, any vessel into or out of any dock, lock or basin within the Port without the permission of, or in disobedience to the directions of, the harbour master.

Speed of vessels

7.(1) No person shall navigate a vessel or operate a personal watercraft –

- (a) without due care and caution or at a speed or in a manner which, having regard to all the circumstances at the time, including weather conditions and the type condition and use of other vessels underway, berthed or moored, or which might reasonably be expected to be underway, berthed or moored, endangers the safety of, or causes injury to any person, any other vessel, buoy, moorings, banks of the port or any other property;
- (b) without reducing speed and wash effect to a safe level before passing a dredger or a vessel engaged in diving operations, underwater work, removing a sunken vessel or other obstruction or working at any buoy or mooring;
- (c) without the permission of the harbour master and subject to paragraphs (a) & (b) above-
 - (i) at a speed exceeding six knots over the ground in any direction to the northward of an imaginary line drawn from Hythe Pier through the Weston Shelf Buoy to the Weston shore.
 - (ii) in the case of vessels with a draught of 6.0metres or over, when approaching or passing the oil jetties at Fawley and Hamble in Southampton Water, at a speed in excess of seven knots over the ground.
 - (iii) closer than 130 metres from the face of the jetties at Fawley and Hamble, unless engaged in berthing or unberthing of vessels at those jetties.
- (2) All vessels of a draught of less than 6.0 metres shall, so far as is consistent with safe navigation, and subject to paragraph (1)(a) above, reduce speed when approaching or passing the oil jetties at Fawley and Hamble so as to have no adverse impact on vessels alongside the jetties.

Approaching or passing under a bridge

8. The master of a power driven vessel navigating against the tide shall when approaching or passing under a bridge reduce speed and prepare to stop to avoid risk of collision with another vessel that is navigating with the tide.

Vessels not to be made fast to navigation buoys or marks

9. The master shall not make his vessel fast to or interfere with any navigational buoy, light, beacon, seamark or tideboard, and shall inform the harbour master as soon as reasonably practicable if his vessel runs into or fouls any such buoy or mark.

Navigation in fairways

10. (1) The master of a small vessel, which is not confined to the fairway, shall not make use of the fairway so as to obstruct other vessels which can navigate only within the fairway.

(2) The master of a vessel crossing a fairway or turning shall not stop or slow down as to cause obstruction/damage to any other vessel.

(3) The master of a vessel shall not intentionally permit it to drift in any part of the fairway.

(4) The master of a vessel proceeding along the course of a fairway shall keep as near to the outer limit of the fairway which lies on the vessel's starboard side as is safe and practicable.

Moving Prohibited Zone.

11.(1). In this byelaw -

"the Precautionary Area" means the main navigable channel which lies between an imaginary line drawn between Prince Consort and South Bramble Buoys and an imaginary line drawn between Black Jack and Hook Buoys;

"Moving Prohibited Zone" means an area extending 1000 metres ahead and 100 metres either side of any vessel of over 150 metres length overall while it is navigating within the Precautionary Area.

(2) The master of a small vessel shall ensure that the vessel does not enter a Moving Prohibited Zone.

(3) For the purpose of indicating the presence of the Moving Prohibited Zone the master of any vessel of over 150 metres length overall shall display on the vessel, where it can best be seen, by day, a black cylinder, and, by night, 3 all round red lights in a vertical line.

High speed craft to use authorised channels

12 The master of a high speed craft when underway shall make use only of such channels as are authorised by the harbour master.

Power driven vessel underway

13 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

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

Vessels Adrift

15. The master of a vessel which parts from its moorings shall as soon as possible report the same to the harbour master.

Navigating whilst under the influence of drink or drugs

16. (1) No person shall navigate or attempt to navigate a vessel when unfit by reason of drink or drugs to do so.

(2) No master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Byelaw.

PART III

MOORING AND MANAGEMENT OF VESSELS

Moorings persons to be in attendance.

17. The master of any vessel upon entering the Port shall have competent persons in attendance to run check ropes to the pierheads, quays, buoys or dolphins, and shall also have sufficient competent persons in attendance for mooring purposes.

Moorings to be tended

18. The master of a vessel which is berthed or moored shall ensure that such vessel is securely made fast and that the moorings are adjusted as necessary to allow for the rise and fall of the tide and for the loading and unloading of cargo.

Vessels berthed to be laid close alongside

19. The master of a vessel which is berthed within the Port shall ensure that the vessel is laid as close as possible alongside the land or premises at which the vessel is berthed and that neither the vessel nor the vessel's moorings obstruct other vessels, or hamper the use of a dock entrance, pier, wharf, quay or jetty.

Sufficiency of crew

20. Except with the permission of the harbour master, the master of a vessel shall at all times when his vessel is within the Port 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.

Access to and egress from vessels

21 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.

Vessels to be kept in a moveable condition

22 (1) The master of a 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 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 (other than a small vessel) is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall as soon as reasonably practicable inform the harbour master forthwith and give to him any further information which the harbour master may require.

No anchoring in fairway

23. The master of a vessel shall not anchor in a fairway or act in such manner as to obstruct navigation except with the permission of the harbour master.

Access across decks

24 The master of a vessel alongside a quay or alongside any vessel already berthed within the Port 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.

Vessels to keep anchor watch

25. The master of any vessel which trades to sea or carries or is designed to carry passengers or cargo within the Port or Port approaches shall, while the vessel is anchored in the Port have a competent person on duty at all times to ensure that the vessel's anchored position is maintained, that the correct signals are displayed or made, and that the vessel is maintained in a safe condition and shall maintain a listening VHF watch on the appropriate channel.

Inspection facilities etc to be made available to harbour master

26. The master of a vessel shall so far as may reasonably 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.

Testing of engines

27. The master of a vessel within the docks shall not cause or permit the engines of such a vessel to be set in motion for trial without the permission in writing of the harbour master or otherwise than in accordance with the terms of such permission.

Vessels not to be fumigated without permission

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

Lost anchor, cable or propeller

29. 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; and
- (b) In the case of an anchor or propeller leave a buoy to mark the position thereof if this is known.

Use of engines while vessel moored or berthed

30. The master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause unnecessary injury or damage to the bed or banks of the Port or to any other vessel or property.

Vessels not to make fast to unauthorised objects

31. No person shall make a vessel fast to any ladder, post, quay, ring, fender or any other thing or place not assigned for that purpose.

Moorings to steps or landing places

32. No person shall make fast or anchor any vessel of any description, or cause the same to be made fast or anchored at any steps or landing-place within the dock estate without the permission of the harbour master.

Launching of vessel

33. (1) No vessel, other than a small vessel, shall be launched from any yard or slip within the Port except with the written permission of the harbour master. Such permission shall be requested by the builder not less than 48 hours before the day on which the launch is to take place. Launching will only be permitted during the hours of daylight and in accordance with paragraph (2) of this byelaw.

(2) The builder shall place a boat showing a red flag 100 metres below the course of the vessel being launched, and another boat with a red flag 100 metres above the course of the vessel.,

Obstruction to navigation, other vessels, moorings, etc.

34 The master of a vessel lying at anchor or at moorings shall not permit the vessel to be loaded or discharged in such manner as the harbour master may reasonably consider liable to obstruct the navigation or to create a risk or cause injury to any vessel, mooring, buoy, other property, or persons.

PART IV

GOODS AND ROAD AND RAIL TRAFFIC

Requirements as to handling and movement of goods in the Port

35. (1) The owner of any goods loaded or discharged at the Port shall ensure that the goods are removed therefrom as soon as practicable and in any case within 7 days unless ABP 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 dock estate.

Precaution against goods, etc, falling into Port waters or the dock estate

36. (1) 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 ABP may direct for the prevention of any cargo, dunnage,

ballast or other materials from falling or escaping into the waters of the Port or onto the dock estate.

(2) If any cargo, dunnage, ballast or other materials does fall or escape into the waters of the Port the master or the person undertaking the loading or discharging of the material shall –

(a) forthwith give notice of the occurrence to the harbour master and, if possible, 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.

Obstruction or interference on the dock estate

37. No person shall:

(a) except with the permission of ABP, deposit or place on any part of the dock estate any goods or park any vehicle so as to obstruct any road, railway, building, mooring place, plant, machinery or apparatus or the access thereto; or

(b) without lawful authority, use, work, move or tamper with any plant, machinery, equipment or apparatus at the dock estate.

Safe driving of vehicles

38. No person shall drive or otherwise operate a vehicle in the dock estate without due care and attention or without reasonable consideration for other persons using the dock estate.

Supervision of vehicles

39. A person having charge of a vehicle in the dock estate shall at all times comply with any directions of ABP with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the ABP:-

(a) leave the vehicle unattended anywhere within the dock estate; or

(b) take it into any shed or working area.

Loads not to leak, spill or drop

40. The owner, driver or other person having charge of a vehicle in the dock estate 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 dock estate.

Loads to be secured

41. The owner, driver or other person having charge of a vehicle in the dock estate shall ensure that any load carried thereon or therein is adequately supported and secured where appropriate and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Refuelling etc of vehicles

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

Precedence of locomotives etc

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

Driving on weighbridges

44. No person shall drive or otherwise operate a vehicle across any weighbridge within the dock estate except for the purpose of weighing the vehicle.

Accidents to be reported

45. Any person driving or otherwise operating a vehicle involved in an accident in the dock estate 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 ABP and shall give his name and address to ABP.

PART V

GENERAL

Laying down moorings, buoys and other tackle

46. (1) Except as provided in paragraph (3) of this byelaw no person shall lay down any mooring or buoy or similar tackle without the prior permission in writing of the harbour master nor except in accordance with such reasonable 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.

(3) Subject to paragraph (2) of this byelaw any person who, not less than 14 days in advance, has applied in writing to the harbour master for permission to lay temporary inflatable buoys in a specific area (which shall not include any marked fairway) for the purpose of racing, and has not been notified that such permission has been refused, may in daylight and without further reference to the harbour master, place, move, replace and remove any such buoy within the area to which the permission relates.

Dumping into the waters of the Port prohibited

47. No person shall deposit or throw into the waters of the Port any article, material or thing or place it in a position that it can fall, flow or drift into the harbour. The provisions of this byelaw shall not apply to a vessel's sea toilet nor to the discharge or escape of any substance the discharge or escape of which is subject to the provisions of the Prevention of Oil Pollution Act 1971. or Part VI of the Merchant Shipping Act 1995.

Fishing gear not to obstruct vessels

48. No person shall cast or place any drift, trawl net or other fishing gear 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 person shall leave any net or other fishing gear unattended at any time.

Fishing vessels not to trawl or dredge in or near licensed mooring area.

49. No person shall use a fishing vessel for the purpose of trawling or dredging in the main navigable channel or near licensed moorings in such a way as to create danger to vessels using those mooring areas or to the mooring tackle itself.

No dragging or grappling without permission

50. 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 unless -

- (a) he has been directed to do so under byelaw 29; or
- (b) it is for the purpose of immediately recovering an item accidentally dropped overboard within a small craft mooring area.

Abandonment of vessel prohibited

51. (1) No person shall abandon a vessel on the banks or shore of the Port.

(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 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.

Water skiing, aquaplaning, power boat racing, paragliding etc

52. (1) No person shall engage or take part in water skiing, aquaplaning, paragliding, power boat racing, para-kiting or parachute towing or any similar activity, except with the written permission of the harbour master given either specifically or generally and only in such areas as may be designated by the harbour master and in accordance with such reasonable conditions as the harbour master may impose.

(2) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning, para-kiting or partaking in similar airborne or waterborne activity 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 person or persons being towed and shall carry:-

- (a) for each person on board or being towed a buoyancy aid or life jacket within the definitions in regulation 2(2) of the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI (A)) Regulations 1999¹ and two hand held distress signals and a fire extinguisher, and
- (b) for each person water being towed, a rescue quoit with line or other

sufficient hand thrown rescue device.

(3) No person shall operate a personal watercraft at a speed greater than 6 knots over the ground within 200 metres of Mean High Water Springs on either side of Southampton Water in the area hatched black on the map annexed to these Byelaws.

Sail Boarding and Kiteboarding.

53. No person shall engage in sail boarding or kiteboarding:

¹ SI 1999/2723

- (a) in the fairway, except for the purpose of crossing the fairway by the shortest possible route.
- (b) in any part of the Port without care and caution or in such a manner as may result in damage to vessels or other craft moored in the Port or may endanger the safety of swimmers.

Diving Operations

54. No commercial diving operations shall be carried out except with the written permission of the harbour master.

Assistance to fire and other services

55. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

Fire Precautions

56.(1) The master of a vessel shall take all reasonable precautions for the prevention of accidental fire or accidents by fire.

(2) No person shall burn or heat any flammable matter or have or permit any fire on any vessel in the Port –

- (a) in such manner as to cause danger of fire ; or
- (b) without due precautions to prevent danger of fire on or to such vessel or elsewhere.

(3) Whilst any fire is used on board any vessel at or alongside any dock, quay, wharf, jetty or pier, the master of such vessel shall provide and keep at least one person continually on board, who shall be specially charged with the care of such fire.

(4) In the event of an outbreak of fire on board any vessel within the Port or in any building in the dock estate, the person in charge of such vessel, or the occupier of the building as the case may be, shall inform the harbour master as soon as possible of such outbreak and take immediate action to bring all available fire fighting equipment into operation.

Hot working

57. No person shall carry out any operations involving burning, welding or the use of naked flames on board vessels or on quays within the Port, except with the permission of the harbour master.

Destruction of vessels, wrecks, etc

58. No person shall set fire to, detonate, destroy or break up any vessel, wreck or structure within the Port without the permission of the harbour master and then only in such position as shall be permitted by the harbour master in writing.

Obstruction of officers of ABP

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

Meetings

60.(1) Except with the consent of ABP, no person shall within the dock estate:-

- (a) organise any general meeting; or
- (b) deliver any address to an audience or gather together any persons whereby any work or business in the dock estate or the control, management or use of the dock estate is, or is likely to be, obstructed, impeded or hindered.

(2) This byelaw shall not apply to any meeting held for the purposes of, or in connection with requirements under, the Health and Safety at Work etc Act 1974 or any regulations made under that Act.

Unauthorised trading prohibited

61 (1) No person shall engage by way of trade, in buying or selling any goods or property in the dock estate without the written consent of ABP.

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

PART VI

PENALTY FOR CONTRAVENTION OF BYELAWS

Penalties

62. Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by ABP or the harbour master in the exercise of the powers conferred upon them or him by these byelaws shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 3 on the standard scale, except in the case of byelaws 13 & 16 where level 4 will apply,

Responsibility.

63. 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 an 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.

Offence committed by body corporate.

64.(1) Where an offence under these byelaws 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

65.(1) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove:-

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or

(b) that he had a reasonable excuse for his act or failure to act.

(2) If in any case the defence provided by paragraph (1)(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 the 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.

Revocation of Bye-laws

66. The following bye-laws are hereby revoked:-

The Bye-laws for the regulation of the Southampton Docks made by the Southern Railway Company on 14th December 1923.

The Bye-laws for Licensing and Regulating Vessels used for the Conveyance of Passengers, Boatmen Plying for Hire, Barrowmen and Porters made by Southampton Harbour board on 27th January 1949.

The Southampton Harbour Bye-laws 1988.

THE COMMON SEAL of ASSOCIATED
BRITISH PORTS was hereunto affixed
In the presence of

Sydney Lee
Secretary/Deputy Secretary/Director

On the 19th day of May 2003

THE SECRETARY OF STATE hereby
confirms the foregoing Bye-laws

S K Reeves
Signed by Authority of the Secretary of State

on the 29th day of May 2003

S K Reeves
Head of Ports Division
Department for Transport

