

# DUNDEE PORT AUTHORITY (GENERAL) BYELAWS 1984

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**DUNDEE PORT AUTHORITY  
(GENERAL)  
BYELAWS 1984**

The Dundee Port Authority, in exercise of the powers conferred on them by section 219 of the Dundee Harbour and Tay Ferries Order 1952, sections 101 and 102 of the Railways Clauses Consolidation (Scotland) Act 1845 and section 83 of the Harbours Docks and Piers Clauses Act 1847 as having effect under section 3 of the said Order of 1952, as amended by article 7 of the Dundee Harbour Revision Order 1969, and of all other powers thereunto enabling them, hereby make the following byelaws:

**PART 1 Preliminary**

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| Title and application | 1. These byelaws may be cited as the Dundee Port Authority (General) Byelaws 1984 and shall apply within the Port.  |
| Interpretation        | 2. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them –<br><br>“authorised officer” means an officer of the Authority authorised by them in writing to exercise the power in question;<br><br>“the Authority” means the Dundee Port Authority;<br><br>“by night” means between the hours of sunset and sunrise;<br><br>“Collision Regulations” means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;<br><br>“dangerous goods” means any goods defined as dangerous goods by regulations for the time being in force under section 21 of the Merchant Shipping Act 1979; |
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“fairway” means any navigable channel marked, dredged or maintained by the Authority;

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

“graving dock” means the dry dock in the port;

“harbour craft” means any vessel normally employed on local work within the port;

“harbourmaster” means a person appointed as such by the Authority and includes the deputies and assistants of a person so appointed and any other person who has been authorised by the Authority to act in the capacity of harbourmaster;

“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;

“licensed boatman” means a person licensed under section 219(1) of the Dundee Harbour and Tay Ferries Order 1952 to operate as a boatman for the purpose of assisting with the mooring, unmooring and moving of vessels and landing persons from and putting them on board vessels within the port;

“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 a vessel includes any part owner or charterer and any mortgagee in possession of the vessel or other person entitled for the time being to possession of the vessel;

“passenger boat” means a vessel used in the course of a trade or business for the purpose of carrying passengers for reward;

“port premises” means the docks, landing places and all other works, land or buildings for the time being vested in or occupied or administered by the Authority as part of their undertaking;

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“port rails” means all railways, rails and sidings at or connected with the port which for the time being belong to the Authority;

“the port” means the area comprising the River or Water of Tay from a line constituting the western limits drawn from the mouth of the rivulet commonly called the burnmouth of Invergowrie on the north side of the river to the place where the monastery of Balmerino was situated on the south side of the river and eastwards thereof along the line of mean high water springs on the north side of the river to the eastern limits delineated by a line extending from the line of mean high water springs at Buddonness eastwards on the line of latitude 56°29'N to meet the line of longitude 2°38'W and southwards to its intersection with the line of latitude 56°26'N and extending westwards on that line to meet the line of mean high water springs at Tentsmuir Point and thence along the line of mean high water springs on the south side of the river to the western limit and over such parts of the bed and shore as lie within these limits and except where the context otherwise requires includes the port premises;

“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;

“small vessel” means any vessel of less than 24 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 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.

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## **PART II      Navigation**

- Vessel movements**
3. (1) The master of a vessel which normally trades to sea shall give prior notice to the harbourmaster at the Dundee Harbour Port control Office of the vessel's entry into or departure from the port, and of its arrival at or departure from the port premises and of any other movement within the port.
- (2) The master of a vessel which does not normally trade to sea, shall on arrival at or departure from the port premises give prior notice to the harbourmaster at the Dundee Port Control Office.
- Declaration of particulars of vessels**
4. The master of a vessel arriving at the port shall if required by the harbourmaster, furnish to him a declaration in the form to be obtained from him containing a correct statement of the name of the vessel and master, the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo, and in the case of a hovercraft its gross weight.
- Vessels to navigate with care**
5. The master shall navigate his vessel with such care and caution and at such speed and in such 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.
- Dredging, diving, etc.**
6. The master of a vessel shall, when passing another vessel employed in dredging, diving or underwater work, or working at any gas or other buoy or mooring, so reduce the speed of her engines as to ensure that no damage is caused to any person or property so employed or working.
- Speed limits**
7. (1) Except in an emergency, the master of a vessel navigating in the area of the River Tay westward of longitude 2°53'W (being the vicinity of the Craig Buoy) to the line of the Tay Road Bridge, shall not, subject to the requirements of maintaining adequate steerage way and control, proceed at a speed in excess of 8 knots through the water.
- (2) Paragraph (1) above shall not apply to vessels engaged in a sporting activity within an area of the port approved by the harbourmaster.

(3) The master of a vessel navigating within Camperdown Dock, Victoria Dock or the Tidal Basin shall not proceed at a speed in excess of 3 knots through the water.

**Obstruction of fairways**

8. (1) The master of a small vessel whether under power or sail which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway, and shall give such vessels a clear course and as wide a berth as safe navigation requires.

(2) A master shall not permit his vessel to enter or cross a fairway except when the fairway in the vicinity of the vessel is clear, nor in a manner which may impede or endanger other vessels navigating in the fairway.

(3) The master of a vessel crossing, turning or manoeuvring in a fairway shall so navigate it as not to hamper, impede or cause damage to any other vessel.

**Power navigation in tidal stream**

9. The master of a power driven vessel navigating against a tidal stream shall if necessary slacken speed or stop his vessel so as to allow any vessel navigating with the stream to pass clear of his vessel.

**Vessels not to be made fast in navigation buoys or marks**

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

**Notification of collisions, etc.**

11. The master of a vessel which –

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the port; 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 give rise to an obstruction to a fairway; shall forthwith report the occurrence to the harbourmaster (and as soon as practicable thereafter provide the harbourmaster 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 harbourmaster; Provided that this byelaw shall not apply when both or all of the vessels involved in a collision are engaged in racing under International Yacht Racing Union or Union International Motonautique rules for the time being in force.

Navigation under  
influence of drink or  
drugs prohibited

12. No person shall navigate any vessel in the port whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

### **PART III Mooring and Anchoring**

Berthing

13. (1) On the arrival of a vessel at the port the master shall forthwith apply to the harbourmaster for a mooring and shall not change that mooring without his approval.
- (2) Except with the permission of the harbourmaster –
- (a) no person shall use a mooring belonging to or controlled by the Authority;
- (b) a master shall not secure his vessel to a mooring to which another vessel is already secured nor shall he cause vessels to lie more than three abreast alongside any pier, wharf or jetty

General control of  
mooring

14. (1) The mooring and anchoring of vessels shall be subject to the control of the harbourmaster, and if the master of a vessel refuses or delays to move the vessel as directed by the harbourmaster, the harbourmaster may cause the vessel to be moved at the cost of the master.
- (2) The master of a vessel shall not moor or anchor his vessel so as to impede traffic to and from the quays, enclosed docks or the tidal basin.
- (3) No person shall lay out an anchor without having a proper buoy attached thereto to mark its position.

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| <b>Vessels not to make fast to unauthorised objects</b> | 15. No person shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.   |
| <b>Vessels to be properly berthed</b>                   | 16. The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.  |
| <b>Provision of proper fenders</b>                      | 17. The master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel and, when berthing and leaving or lying at the 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 other property. |
| <b>Security of moorings</b>                             | 18. The master of a vessel moving or being moved from its mooring in a tier of vessels shall ensure that the moorings of any other vessel disturbed in the process are made safe.   |
| <b>Access to and egress from vessels</b>                | 19. The master of a vessel (other than a small vessel) while berthed alongside a quay shall 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.  |
| <b>Access across decks</b>                              | 20. The master of a vessel, not being a vessel carrying dangerous goods alongside the quay or alongside any vessel already berthed within the port shall, if required to do so by the harbourmaster, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.   |

- Sufficiency of crew**
21. Except with the permission of the harbourmaster, the master of a vessel which normally trades to sea shall at all times when his vessel is within the port ensure that this 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 harbourmaster 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 to be kept in a moveable condition**
22. (1) The master of a vessel which normally trades to sea, shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the harbourmaster and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such conditions that it is capable of being safely moved.
- (2) Where any such vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbourmaster forthwith and give to him any further information which the harbourmaster may reasonably require.
- Use of engines while vessels moored or berthed**
23. 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 injury or damage to the quay or to the bed or banks of the port or to any other vessel or property.
- Vessels adrift**
24. The master of a vessel which parts from its moorings shall as soon as possible report the same to the harbourmaster.
- Private chains at moorings**
25. No person shall affix any private chain or chains to any mooring owned or controlled by the Authority.

- Lost anchors, cables or propellers**
26. (1) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith give to the harbourmaster notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbourmaster so directs shall cause it to be recovered as soon as practicable,
- (2) The master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.
- Powered vessels turning**
27. The master of a power driven vessel which normally trades to sea under way and about to turn, and whilst turning, shall sound by whistle at intervals of not more than 2 minutes 4 short blasts in rapid succession followed, if the vessel is turning her head to starboard by 1 short blast, and if turning her head to port 2 short blasts.
- Powered vessels aground**
28. The master of a power driven vessel which normally trades to sea which runs aground shall immediately signify the fact by 5 short blasts in rapid succession on her whistle and shall repeat the signal at short intervals until there are exhibited the lights or shapes, or there are made the sound signals.
- Lights on vessels at moorings**
29. The master of every vessel lying or moored at any quay shall by night exhibit on the outside of the vessel a white light:
- Provided that –
- (a) in the event of there being two or more vessels lying or moored in a tier, the light shall be exhibited by the outermost vessel of the tier;
- (b) this byelaw shall not apply to yachts moored or berthed in yacht-mooring areas which have been approved by the harbourmaster.

#### **PART IV Handling of Goods**

- Requirements as to handling and movement of goods in the port**
30. (1) The owner of any goods shall comply with such directions as the harbourmaster 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 port premises.

(2) In this byelaw “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.

## **PART V Regulating Traffic on the Port Rails and Use of Locomotives Thereon**

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| <b>Regulation of trains</b>             | <p>31. No person shall use or permit to be used on the port rails any train –</p> <ul style="list-style-type: none"><li>(a) of which the locomotives shall not have been approved by the authority</li><li>(b) which shall consist of more than the locomotive and 12 wagons; or</li><li>(c) at a greater speed than 4 miles per hour.</li></ul> |
| <b>Safety precautions for trains</b>    | <p>32. Every person using the port rails for wagon or locomotive traffic shall provide a man who shall walk in advance of the train for the protection and safety of the public and shall give sufficient warning of the approach of the train by means of a whistle or other suitable instrument.</p>   |
| <b>Lights on trains</b>                 | <p>33. A person shall not pass or allow or permit to pass any locomotive along the port rails by night unless the same shall have a red light exhibited in a conspicuous manner on each side in front and showing both ways, and unless there shall also be exhibited a red light on the rear end of the train.</p>                              |
| <b>Movement of engines</b>              | <p>34. A driver of a locomotive or train on the port rails shall, on being required by any police constable or officer of the Authority, forthwith move such locomotive or train forward or backward as may be required.</p>   |
| <b>Interference with railway points</b> | <p>35. No person shall, unless with the authority of the harbourmaster, operate or interfere with any moveable points on the port rails.</p>   |
| <b>Placing of trains at night</b>       | <p>36. No person shall leave, or permit or cause to be left, overnight on the port rails any locomotive or train except upon the sidings, and that only with the permission of the harbourmaster.</p>  |

## **PART VI     Cranes**

- Exclusive use of Authority's cranes**
37. Except with the written consent of the harbourmaster, no person shall use a crane belonging to any person other than the Authority on any of the quays or port premises.
- Use of cranes**
38. (1) No person shall use a crane hired from the Authority on the quays or other port premises –
- (a) to lift articles of a weight heavier or of a nature different from those which he declared to the harbourmaster at the time of hiring that it was his intention to lift; or
- (b) for a purpose other than a purpose so declared and approved by the harbourmaster.
- (2) No person shall offer to the authority for the purpose of lifting by a crane operated by the Authority any load in excess of the safe working load displayed on that crane.
- Exclusive use of Authority's grabs**
39. No person shall use or attach a grab, other than a grab belonging to the Authority, with or to a crane hired from the authority for use on the quays or port premises except with the written consent of the harbourmaster.

## **PART VII     Regulating the Use of the Graving Dock**

- Damage to graving dock**
40. No person shall, without reasonable excuse, throw down heavy timber on the steps of the graving Dock.
- Fires on vessels in graving dock**
41. No person shall cause or permit any fire to be lit on a vessel in the Graving Dock or to be displayed thereon any naked light except with the written consent of the harbourmaster.
- Trimming of vessels**
42. The master of a vessel on entering the Graving Dock shall ensure that it be so trimmed as to draw the minimum depth of water, and that no part of any anchor protrudes over the bows.
- Gates on sluices**
43. No person shall open or shut the gates and sluices of the Graving Dock except with the consent of an authorised officer.

Vessels to be removed from graving dock after repair

44. The person in charge of a vessel which has completed repairs in the Graving dock, shall cause it to be removed forthwith.

#### **PART VIII Byelaws for Boatmen**

Licensing of boats and boatmen

45. (1) The authority shall license such number of boats as they shall from time to time find expedient.

(2) Each boat shall have a crew of 2 boatmen, who shall also be licensed by the Authority; and all boatmen shall unless previously excused from duty by the harbourmaster, be on duty at all times.

(3) it shall be an offence for a licensed boatman to ply at a station to which he has not been assigned by the harbourmaster.

Rates

46. The rates of remuneration to be charged by licensed boatmen shall be such rates as the Authority shall from time to time determine; and no boatman shall demand more than the fare determined by the Authority.

Prohibition of unlicensed boatmen

47. No person shall for reward assist as boatmen in the mooring or unmooring of any vessel in the port unless he is licensed for that purpose by the Authority.

#### **PART IX Vehicles**

Supervision of vehicles

48. A person having charge of a vehicle in the port premises shall at all times comply with any directions of an authorised officer with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of an authorised officer –

(a) leave the vehicle unattended anywhere within the port premises; or

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

Loads not to leak, spill or drop

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

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| <b>Loads to be secured</b>                       | 50. The owner, driver or other person having charge of a vehicle in the port premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.   |
| <b>Driving on weighbridges</b>                   | 51. No person shall drive or otherwise operate a vehicle across any weighbridge within the port premises except for the purpose of weighing the vehicle.   |
| <b>Driving restrictions</b>                      | 52. No person shall drive any vehicle on or over any road, bridge, quay Caisson or other place in contravention of any notice that may be posted up in a conspicuous place at the entrance or approach to such place specifying or limiting the class, size or weight of the vehicle allowed to enter or pass over that place.                                   |
| <b>Accidents to be reported</b>                  | 53. Any person driving or otherwise operating a vehicle involved in an accident in the port premises whereby any injury is caused to any person or any damage is caused to any property whether moveable or not, shall stop the vehicle and forthwith report the accident to an authorised officer and shall give his name and address to an authorised officer. |
| <b>Drivers to comply with traffic directions</b> | 54. No person when driving or propelling a vehicle shall disobey the directions of an authorised officer engaged in regulating traffic within the port premises.   |

**PART X      Safety, Health, Amenity, etc.**

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| <b>Restrictions on radio and radar transmissions in the port</b> | 55. (1) The master of a vessel in an area within 400 metres of the shore in the port or within 400 metres of any jetty, pier or mooring place designated by the Authority as a place where flammable liquids with a flash point of less than 23°C or flammable gases are handled or loaded in bulk, shall ensure that no communications transmitter operates on a frequency between 415kHz and 26 MHz inclusive, on his vessel. |
|--|---|



(2) The master of a vessel shall ensure that any radio or radar transmissions from his vessel in any area in the port outside those delineated in paragraph 1 above shall not exceed –

1.5kW peak power on a frequency between 6.2MHz and 26 MHz inclusive;

0.4kW peak power on a frequency between 1.6MHz and 4.4 MHz inclusive;

1.0kW peak power on a frequency between 415kHz and 525 kHz inclusive.

(3) The master of the vessel with ship-borne radar with a peak pulse power exceeding 60kW shall not use his radar within the following distances of the shore in the port, nor within the said distances of any jetty, pier or mooring place designated by the Authority as such:-

radars operating below 2GHz-300 metres

radars operating at and above 2 GHz – 150 metres.

(4) The master of a vessel may test his vessel's radio communications transmitter operating on a frequency between 415 kHz and 26 MHz in an area in which transmissions are prohibited under paragraph (1) above if permitted by the harbourmaster: Provided that a dummy load is used, and the aerial is disconnected from the transmitter and connected to earth.

(5) The master of a vessel may in an area to which paragraph 3 above applies, test his vessel's radar provided that the associated electrical equipment does not present a source of ignition in a hazardous area.

(6) In this byelaw "hazardous area" means an area in which explosive gas-air mixtures are, or may be expected to be, present in quantities such as to require special precautions for the construction and use of electrical apparatus.

- Obstruction or interference at port premises**
56. No person shall –
- (a) except with the permission of an authorised officer, deposit or place on any part of the port premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus of the access thereto; or
  - (b) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus at the port premises.
- Deposit of refuse**
57. Except with the written consent of the harbourmaster, no person shall deposit refuse on the port premises except in suitable receptacles approved by the harbourmaster.
- Removal etc. of goods obstructing port premises**
58. Any goods, materials or commodities placed on or about or within the port premises so as, in the opinion of the harbourmaster, to obstruct or affect the free passage or working thereon or therein shall be immediately removed by the person in charge of the goods if the harbourmaster so directs.
- Discharges into port**
59. (1) No person shall throw, discharge, or put or permit the discharge or escape of, any waste, rubbish or other material or thing, whether solid or liquid, into the waters of the port from or at the quays or from any part of the shores of the port, or from any vessel lying within the port.
- (2) The master of a vessel shall take all reasonable precautions to prevent articles or things falling from his vessel into the waters of the port.
- (3) This byelaw does not apply to the use of a sanitary appliance upon a small vessel having accommodation for 12 persons or less or in respect of the entry into the waters of the port or polluting matter and effluents where such entry is subject to the provisions of any other enactment.
- Precautions against goods, etc. falling into port waters or onto port premises**
60. The master of a vessel and a person undertaking the loading of cargo into, or discharging of cargo from, a vessel shall use or cause to be used such methods as the harbourmaster 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 port premises.

## PART XI Fire Precautions

Precautions on vessels  
against fire, etc.

61. The master of a vessel in the port shall take all due precautions for the prevention of accident by fire, and shall not permit flammable materials or liquid to be loaded onto or discharged from the vessel unless all reasonable measures have been taken to obviate risk of such accident.

Fire precautions

62. (1) No person working or employed in any part of the specified premises shall, unless authorised in writing by the Authority, strike or kindle any flame or fire or operate apparatus capable of producing combustion, or carry any flame or fire whether covered or naked:

Provided that nothing in this byelaw shall prohibit:

- (a) in the saloons, cabins, crew's quarters and galley, or for the purpose of heating main or donkey boilers, the use of fires consuming only coal or other fuels approved by the Authority or an authorised officer or, in oil burning vessels, fuel oil with a flash point not lower than 65oC, or
- (b) the use of lights at the places referred to in byelaw 63(a) to (c) below for the purpose of smoking there;
- (c) the proper use of apparatus employed in the business of ship repairing in or on a vessel the master of which has a written permit issued by an authorised officer licensing that use.

(2) No person working or employed at the specified premises shall carry matches on his person, or in any part of his clothing or otherwise, in any part of the specified premises and an authorised officer or a police constable may search any person so working or employed whom he suspects to be in possession of matches and (without prejudice to the penalty prescribed) may take and destroy them.

(3) In this byelaw “specified premises” means:

- (I) the docks and wharves including the graving dock, locks, jetties and tidal harbours at Dundee;
- (II) the quays and piers used in connection therewith;
- (III) the sheds and warehouses of the authority on or adjoining the said jetties, quays and piers; and
- (IV) the ships and vessels from time to time therein

**Smoking**

63. No person shall smoke tobacco or any herb or other substance whatsoever in any part of the port except;
- (a) in any covered shelter or covered place designated by the Authority as a place within which smoking may take place, and in accordance with such rules and regulations as the Authority may from time to time make; or
  - (b) on the footpath to the north of Camperdown Street, or on Stannergate Road; or
  - (c) in any part of a vessel designated by the master thereof for the purpose of smoking, not being a cargo space, access thereto or open deck.

**Fire appliances etc.**

64. (1) No person shall, save for the purpose of testing or carrying out maintenance work, or of extinguishing fire remove or interfere with the contents of any fire appliance or fire apparatus.
- (2) No person shall place any vehicle, machine, goods or other thing whatsoever in such a position as to obstruct access by the fire authority or use of any fire appliance or apparatus.

**Flammable materials**

65. (1) Every person having charge of any flammable substance or thing which shall be in, upon or about the port premises or upon the deck of a vessel within the port, shall cause it to be removed to a place of safety within two hours after being required to do so by the harbourmaster.

(2) No person shall boil or heat any flammable substance or thing in, on or about the port premises or onboard a vessel within the port, except in such place and in such manner as shall be permitted by the harbourmaster.

**Electric welding plant**

66. Except with the written consent of an authorised officer and subject to such conditions as he may prescribe, no person shall:-

- (a) use any electric welding plant or oxyacetylene cutting or welding plant within the port premises or on a vessel within the port, or cause such plant to be used at or within 30 metres of any such vessel;
- (b) cause or permit a vehicle carrying such plant to enter any shed, warehouse or similar building within the port premises.

## **PART XII Sporting and Recreation**

**Water skiing,  
aquaplaning, etc.**

67. (1) No person shall engage or take part in water skiing or aquaplaning except with the written permission of the harbourmaster given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.

(2) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier and shall carry:-

(a) for each person on board a lifejacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the ship and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher.

(b) For each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device.

(3) No person shall engage in kiting or parachute towing in the port without the prior written consent of the harbourmaster given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

**Boat races,  
regattas, etc.**

68. (1) The organiser of any boat race, regatta, public procession or other public event, when a number of vessels is expected to assemble on the waters of the port, shall not give less than 14 days' notice thereof to the harbourmaster.

(2) Every boat race, regatta, procession or other public event shall be conducted on courses and at times previously approved by the harbourmaster.

- Houseboats
69. No vessel moored in the port (other than a vessel bona fide used for navigation) shall be used for purposes of residence:-
- Provided that nothing in this byelaw shall prevent a vessel so used from being berthed alongside a frontage where there is direct access from the shore by agreement with the owner of the frontage who shall be responsible to the Authority for the removal of such vessel in the event of its becoming derelict.

### **PART XIII Passenger Boats**

- Licensing of passenger boatmen, etc.
70. No boatman or other person who is not duly licensed for the purpose by the Authority shall take charge in the navigation or management of a passenger boat plying for hire in the port.
- Naming of passenger boats
71. No person, being the owner or master of a passenger boat, shall cause or permit the boat to be used to carry any person or persons for hire within the port unless the boat is duly licensed in that behalf by the Authority or if carrying more than 12 passengers holds a valid Department of Transport Passenger Certificate.
- Licensing of passenger boats
72. (1) The owner of a passenger boat (other than a hovercraft) plying or let for hire within the port shall cause the name of the boat to be painted in a conspicuous position on board the boat in letters of not less than 35mm. (1.4 inches) in height and 25mm. (1.3 inches) in breadth and of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters are painted and he shall also cause to be painted near the name the number of persons the boat is licensed to carry.
- (2) The said owner shall cause such name and number to be kept plainly and distinctly visible from outboard and legible at all times whilst the boat is plying or let for hire.
- (3) The foregoing requirements of this byelaw shall not apply in any case where the name of the boat is painted or marked thereon in pursuance of any enactment or other legal requirement for the time being in force.

- Passenger boats to be sound and properly equipped**
73. No person being the owner or master of a passenger boat within the port shall let the boat or suffer any person to embark therein for the purpose of being carried for hire, unless the boat is in every respect thoroughly sound and in complete repair and is properly furnished with all gear, tackle, appliances (including wireless receiver and transmitter) and other requisites for the safe navigation and management thereof as required by the licensing authority concerned or the conditions of the Department of Transport Passenger Certificate.
- Navigation of passenger boats through mooring areas**
74. Except for the purpose of mooring no master shall navigate a passenger boat through mooring areas.
- Competence of crews**
75. (1) No person, being the owner or master of a passenger boat, shall cause or suffer any person who is not a competent person to take charge of the boat or to assist in the navigation or management thereof when the boat is being used to carry any person for hire.
- (2) In this byelaw "competent person" means an individual possessing such qualifications, training or experience that he is competent to perform the duties required of him.
- Conduct of masters**
76. The master of a passenger boat shall conduct himself in an orderly manner and shall not:-
- (a) importune any person, by calling out or otherwise to his annoyance, to hire or be carried for hire in the boat;
- (b) permit any drunken or disorderly person to embark in the boat.
- Passenger hire in bad weather**
77. The master of a passenger boat shall not permit any person to embark in the boat for the purpose of being carried for hire when the state of the weather or water is likely to endanger persons using such vessel.
- Hours of operation**
78. Except with the written authority of the harbourmaster no person shall by night operate a passenger boat within the port.



Number of persons to be carried in passenger boats

79. The master of a passenger boat shall not cause or permit to be carried therein a greater number of persons than is authorised in any licence or passenger certificate in force in respect of the boat or such lesser number of persons as may be dictated, on the grounds of safety, by the carriage in the boat of any unusual or heavy load.

#### **PART XIV Miscellaneous**

Assistance to harbourmaster

80. The master of a vessel shall afford the harbourmaster, on production of his authority, all reasonable facilities for the inspection and examination of the vessel when it is reasonably required by him for the purpose of ascertaining whether any relevant part of these byelaws is being duly observed.

Obstruction of officers of the authority

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

Vessels not to be fumigated without permission

82. No person shall cause or permit a vessel to be fumigated without the prior permission of the harbourmaster.

No dragging or grappling without permission

83. No person shall drag or grapple any material or article nor remove the same from the bed of any water area of the port without the written consent of the harbourmaster.

Provided that this byelaw shall not apply to areas approved by the harbourmaster for the purpose of mooring recreational craft.

Vessels to have names marked on them

84. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

Retailing merchandise prohibited

85. No person shall without the written consent of an authorised officer retail beverages or any article of merchandise on any part of the quays nor board any vessel of any description without having any legitimate business therein, when at the quays.

Vessels not to be used for commercial purposes

86. Except with the written consent of an authorised officer no person shall use or permit or allow to be used any vessel moored in the port (other than a vessel bona fide used for navigation) for the purpose of carrying on thereon any trade, profession or other business.

- Loitering on port premises prohibited**
87. No person shall loiter within the port premises and all persons shall, when ordered by a police constable (or authorised officer) leave the same.
- Prostitutes not to be allowed on board vessels**
88. (1) No master or member of the crew of any vessel in the port shall allow any person to go or remain onboard any vessel in the port for the purposes of prostitution,
- (2) No person shall loiter in the port premises for the purposes of prostitution and no person shall solicit or importune any person in the port premises for the purposes of prostitution.
- Launching of vessels**
89. No shipbuilder or other person in this byelaw referred to as “the ship builder” shall launch or allow to be launched any vessel into the port unless the ship builder has:-
- (a) given previous notice in writing to the harbourmaster of at least 7 days, or such shorter period as may be agreed by the harbourmaster, of the time at which the intended launch is to take place; and
- (b) obtained the prior consent in writing of the harbourmaster to such launch
- Fishing prohibited**
90. No person shall fish in the waters of the enclosed docks or off the quays within the jurisdiction of the Authority without the written permission of the harbourmaster.
- Lifesaving equipment**
91. No person shall use any equipment provided by the Authority for the purpose of lifesaving except for that purpose.
- Vessels’ engines to be moved at slow speed in dock, etc.**
92. The engines of a vessel in a dock shall be moved at the least possible speed; and no engines of a vessel lying in any of the docks or approaches thereto shall be worked for the purpose of testing without the written authority of the harbourmaster and under such conditions as may be from time to time prescribed.
- Penalties**
93. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the harbourmaster, or by an authorised officer, as the case may be, in the exercise of the powers conferred upon him by these byelaws shall be guilty of an offence and liable, on summary conviction to a fine 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 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 person other than him.

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

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

(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) above 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 7 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  
existing byelaws

94. From and after the date of the coming into force of these byelaws, the following byelaws shall be revoked:-

Byelaws for Tug Steam Vessels 1876  
Dundee Harbour Byelaws 1880  
Byelaws for Use of the Graving Docks and Patent Slip 1883  
Additional Byelaws for Portable Hoisting Engines 1883  
Byelaws as to Prevention of Fires 1894  
Byelaws as to Use and Management of Small Boats, etc 1897  
Byelaws as to Import of Animals 1923  
Byelaws for Locomotive Engines on Harbour Rails 1931  
Byelaws for Boatmen 1933  
Byelaw Prohibiting Selling of Goods, Affixing Bills and Defacing Property 1937  
Byelaws for Steam and Motor Road Vehicles 1942  
Additional Byelaws for Steam and Motor Road Vehicles 1944  
Additional Byelaw for Locomotive Engines on Harbour Rails 1944  
Byelaws for the Regulation of the Launching of Vessels 1955  
Byelaw amending the Launching Area 1962  
Byelaws to regulate speed and Main Channel Navigation in Tay Estuary 1974  
Dundee Harbour (Fire) Byelaws 1976

Given under the Common Seal of the Dundee Port Authority this sixteenth day of March 1984.

GORDON S LOWDEN, (Chairman)

WILLIAM GOLD, (Chief Executive)

The Secretary of State for Transport hereby confirms the foregoing byelaws, and fixes the 20<sup>th</sup> day of April 1985 as the date when these byelaws shall come into operation.

Signed by authority of the Secretary of State this 20<sup>th</sup> day of March 1985.

J. A. Battersby  
An Assistant Secretary of the  
Department of Transport

#### NOTE

This note does not form part of these byelaws but is included informally to identify the limits of jurisdiction of the Authority. Those limits are defined in section 4 of the Dundee Harbour Revision Order 1969 and are indicated on the map annexed to this note. This map is not intended to be definitive and for exact details of the limits of jurisdiction, reference must be made to section 4 of the Order of 1969.

# DUNDEE PORT AUTHORITY LIMITS OF THE AUTHORITY'S JURISDICTION

