

# The Looe Harbour & Bridge Act, 1848

AND

## The Looe Harbour Order, 1920

# BRITISH

MADE BY

# LAURENCE

## THE LOOE HARBOUR COMMISSIONERS

**WHEREAS** The Looe Harbour Commissioners are by Section 19 of the East and West Looe Harbour and Bridge Act, 1848, Section 83 of the Harbours, Docks and Piers Clauses Act 1847 and Section 26 of the Looe Harbour Order 1920, empowered to make byelaws for the regulation, management and control of The Looe Harbour in the County of Cornwall, **NOW THEREFORE** The Looe Harbour Commissioners **DO HEREBY** in pursuance and by virtue of the power vested in them make the following byelaws:-

1. In these byelaws, unless the context otherwise requires, the following words and expressions shall have the meanings hereby assigned to them respectively, that is to say:-

(a) "the Commissioners" shall mean The Looe Harbour Commissioners.

(b) "the fire brigade" shall mean the fire brigade provided under Section 1 of the Fire Services Act 1947 for the area in which the harbour is situated.

(c) "fish" shall include all fish, molluscs and crustaceans and animals (whether living or dead) that normally live in tidal waters.

(d) "goods" shall include fish wares and merchandise of every description fish and all articles in respect of which rates or dues are payable to the Commissioners

(e) "the harbour" means the harbour of Looe including all of the Commissioners' property and the waters of the Looe River flowing therewith or over some parts thereof and for 846 yards outside the Seaward end of Bango Pier as shown enclosed by a black line on the plan annexed hereto

(f) "the harbour master" shall mean the harbour master appointed by the Commissioners and shall include his duly authorised deputies and assistants.

(g) "the market" means the area or areas within or forming part of the harbour from time to time designated by the Commissioners for use as a market for the sale of fish.

(h) "master" when used in relation to any vessel shall mean the person having command or charge of the vessel for the time being.

(i) "quay" shall mean any jetty, quay, pier, wharf, landing stairs or any landing place within the Commissioners' property or the harbour.

(j) "vehicles" shall include cars, carts, vans, trucks, barrows, waggons, lorries, coaches and cycles whether mechanically propelled or otherwise, and any other carriages whatsoever.

(k) "vessel" shall include boats, hovercraft, lighters and craft of every kind including craft navigated by steam, electricity or other mechanical power.

(l) "hovercraft" shall mean a vehicle which is designed to be supported when in motion wholly or partly by air expelled from a cushion of which the boundaries include the ground water or other surface beneath the vehicle.

(m) "the Commissioners' property" shall mean any land within or forming part of the harbour owned, leased or occupied by the Commissioners.

2. These byelaws shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Minister.

3. These byelaws shall apply to all parts of the harbour as defined in byelaw 1 and to all waters within the jurisdiction and conservancy of the Commissioners.

4. These byelaws are made subject to the provisions of the Docks Regulations 1968 and the Loading and Unloading of Fishing Vessels Regulations 1988 and in the case of conflict or contradiction between these byelaws and the said regulations, such regulations shall take precedence over these byelaws.

5. All vessels entering or being within the harbour shall be in all respects under the control of the harbour master whose directions are to be obeyed in all matters within his jurisdiction.

6. The harbour master shall at all times in the execution of his duty have free access on board all vessels in the harbour.

7. No person shall make fast any rope, chain or ratchet to any shed, lamp-post or post or any work or piece within the limits of the harbour excepting only to the bollards and phases provided for the purpose.

8. The master of any vessel and all other persons engaged in the loading, unloading or transferring of any goods or materials into or from any vessel must have to the satisfaction of the harbour master a sufficient screen or chute so fastened as effectually to prevent any of the said goods or materials from falling into the harbour and no goods or materials being loaded or unloaded shall be laid down at a distance of less than two metres from the edge of the quay.

9. No person shall knowingly and without lawful excuse cause or permit any obstruction or hindrance of free access to or use of the harbour, the quay or the market, or any part or parts thereof nor shall any person knowingly cause or permit any obstruction, hindrance, interruption or inconvenience to any employee of the Commissioners in the performance of his duty or to any other person lawfully carrying a business therein.

10. No person shall at any time spread any trawl seine or net of any description or lodge any such net, fishing-gear, anchor, sail, spar or boat on any part of the harbour so as to obstruct or interrupt the prosecution of business and all such must be removed if any instruction to that effect is given by the harbour master.

11. No vessels shall be afforded a mooring without the express permission of the harbour master or Commissioners, provided that nothing herein contained shall restrict vessels from mooring for the purposes of and subject to the provisions specified in Section 39 of the Harbours, Docks and Piers Clauses Act 1847.

12. No person shall navigate or be in charge of any vessel within the harbour whilst unfit to do so through drink or drugs.

13. The master of a vessel in the harbour shall not knowingly cause or permit any anchor to be laid for mooring nor any fastening to be made to any buoy, rail or chain in any part of the harbour without the permission of the harbour master.

14. No vessel shall be left in the harbour without being securely moored and made fast in such manner and position as the harbour master shall have approved and any person for the time being in charge of any vessel shall comply with all directions given by the harbour master as to the place in which such vessel shall moor, load, unload, embark or disembark passengers or ply for hire.

15. No person other than the harbour master or a person duly authorised by him shall by hailing, calling or otherwise attempt to regulate, control or alter the navigation or management by the master of any vessel within the harbour.

16. No person shall knowingly cause or permit any hindrance or obstruction to any vessel entering, navigating in or departing from the harbour and without prejudice to the generality of the foregoing, the master of all vessels shall upon entering the harbour cause to be rigged all outriggers or other spars which may cause such hindrance or obstruction.

17. No vessel shall be abandoned in the harbour nor without the written consent of the harbour master previously obtained (except in the case of emergency) shall any vessel be laid up on any beach in the harbour.

18. No vessel shall while inside the harbour or within a radius of 450 metres from the seaward end of the pier proceed at a speed greater than 5 knots through the water.

19. All craft engaged on pleasure purposes when within the harbour shall give way to fishing boats entering or leaving the harbour.

20. No vessel propelled by mechanical means shall be used within the harbour unless the same be fitted with an efficient siren.

21. The master of a vessel propelled by mechanical means shall not knowingly cause or permit any propeller thereof to be turned by mechanical means if such propeller is not covered by water or if the turning thereof shall cause disturbance to the bed of the harbour (provided that this byelaw shall not apply to any hovercraft or any other vessel the propeller of which is not in the ordinary course of its use covered by water).

22. No vessel shall anchor in the fairway of the harbour nor West of an imaginary line in prolongation of the pier seawards.

23. No person shall cause or permit any vessel propelled by sail to tack North of an imaginary line drawn between the Seaward end of the Bango Pier and White Patch Rock.

24. No unauthorised person (save for members of the fire brigade, ambulance service or police force acting in the course of their duty) shall bring or drive onto or over or leave on any part of the Commissioners' property any vehicle without the permission of the harbour master or the Commissioners. Any person (save as above mentioned) driving or in charge of any vehicle on the Commissioners' property shall stop the vehicle on being so required by the harbour master or the Commissioners.

25. No person shall drown any animal in or throw any carcass of any animal, fish, offal, refuse, ashes or any waste substance into the harbour nor discharge into the harbour (whether by means of drains or otherwise) any polluting material.

26. No master of any vessel within the harbour and no person (save for members of the fire brigade, ambulance service or police force acting in the course of their duty) shall use, or cause or permit to be used on any part of the Commissioners' property any siren, whistle, wireless set, amplifier or gramophone in such manner as to give reasonable cause for annoyance to other persons and no such apparatus shall continue to be used after the harbour master has given directions to that effect provided that nothing herein contained shall prohibit the use of sound signals in the course of navigation or in case of emergency.

27. No person shall bathe in the harbour inside an imaginary line drawn between the seaward end of Bango Pier and White Patch Rock, nor in the fairway of the Harbour South of Bango Pier.

28. No person shall knowingly and maliciously cast off any chain, rope or other thing by which any vessel within the harbour shall be moored or fastened, or cut, damage, or remove from the station, any lifebuoy, lifeline or other life-saving apparatus situated on the Commissioners' property.

29. No person shall remove or move any board or paper within the harbour whereon any byelaws, notices, rules, orders or tables of tolls or rates shall be printed or affixed and no person shall affix any bill, notice or paper on any part of the Commissioners' property without the consent of the Commissioners. No person shall remove or move any light within the harbour and no unauthorised person shall enter the column of the light situated on the pier head.

30. No person shall be in a state of intoxication through drink or drugs or shall throw any missile, or use language or behave in such manner which disturbs or interferes with the comfort of other persons upon the Commissioners' property and the harbour.

31. No person shall at any time set bowlers, splitters or ground lines, trammel, set net, seine or snare of any description for the capture of fish within the harbour without the permission of the harbour master or Commissioners.

32. No person shall use the market, quays, wharves, jetties or other parts of the Commissioners' property or any vessel within the limits of the harbour for the purpose of betting or gambling and no person (except by permission in writing of the Commissioners, or in the ordinary course of the business of the market) shall use any of the Commissioners' property or any vessel within the limits of the harbour for the purpose of hawking, selling or exposing for sale or offering for sale any article or goods whatsoever or for toasting, playing fire, or soliciting alms, reward, custom or employment of any description provided that nothing herein contained shall prohibit the sale of fresh fish subject to the provisions of byelaw 49.

33. No person in possession or charge of fish landed at the market shall allow it to remain there longer than shall be necessary and such person shall remove it if the harbour master so requires.

36. No person shall cooper or repair packages of any kind in the market, except in the places assigned to or rented by such person for that purpose.

37. Every person carrying on business in the market or being therein shall obey and carry out the reasonable directions of the Commissioners' officials and employees in all matters connected with the removal or storage of fish or in any way with the business of the market or for the purpose of preserving order or facilitating the dispatch of business therein.

38. No person or persons shall use the market or other parts of the Commissioners' property for the purpose of demonstrations or meetings for political or any other purpose whatever without the prior permission of the Commissioners.

39. Empty boxes, crates, or other containers shall be removed on the order of the harbour master.

40. No person shall smoke or carry a lighted pipe, cigar or cigarette or naked flame within the harbour.

(a) where smoking is expressly prohibited by the Commissioners by a notice exhibited in a conspicuous position in such part of the harbour.

(b) if requested by the harbour master or any constable or authorised person not to do so in or upon any part of the harbour where smoking or carrying a lighted pipe, cigar, cigarette, or naked flame, may in their opinion be dangerous.

(c) near to or amongst any goods in or on any of the docks, quays, wharves, jetties, piers or buildings within the harbour.

41. No person within the harbour shall without the permission of the harbour master heat any pitch, tallow, tar or any other substances or flammable matter or have or allow any fire, naked light, or flame in any place other than for the immediate ignition of any authorised fire, light or flame or subject to byelaw 40, for the purpose of smoking.

42. No person shall bring on board a vessel nor shall use on a vessel any flammable materials, fuels, oils and gases or warning flares or similar equipment unless the same are securely contained in a safe and proper manner and are intended to be used or are being used on or within the vessel for propulsion, maintenance or safety purposes or in connection with domestic cooking, lighting or heating.

43. No person shall burn or heat any flammable matter or have or permit any fire or naked flame on any vessel in the harbour.

(a) without having a person on board who is specifically charged with the care of the fire or naked flame

(b) in such a manner likely to cause the danger of fire.

44. The master of every vessel within the harbour with the exception of rowing-boats and other similar light non-powered vessels shall provide adequate fire-fighting equipment available for immediate use in every part of the vessel at all times and the nature and amount of such equipment shall be sufficient to extinguish any fire which might reasonably be foreseen on the vessel having regard to its use and cargo from time to time.

45. The master of every vessel loading or unloading or having on board explosives or dangerous or highly flammable goods in the harbour shall display the "Explosives" and/or "No-smoking" signs as relevant in a prominent position on the vessel. This is without prejudice to any obligation to display any signs and flags under the Dangerous Substances in Harbour Area Regulations 1987 and subsequent legislation.

46. No person when in or upon any vessel or place within the harbour where explosives or dangerous or highly flammable goods are loaded shall smoke or have in his possession any match or fire-producing device or wear or have in his possession any article or substance which may cause explosion or fire.

47. Any person who shall become aware of any fire within the harbour shall immediately raise the alarm and shall summon the fire brigade to the fire and shall report the fire by the quickest possible means to the harbour master or to any constable or to the nearest employee of the Commissioners.

48. No person shall weigh any salt water game fish on the Commissioners' property save in such place or places as may from time to time be allocated for such purpose by the harbour master.

49. No person shall sell or offer for sale fresh fish on the Commissioners' property or any part of it or from any vessel within the harbour without the prior permission of the Commissioners, provided that nothing herein contained shall prohibit the offering for sale and sale by auction of fresh fish by an auctioneer duly licensed by the Commissioners to buyers so licensed at auctions properly held by the said auctioneer at the Commissioners' market.

50. The harbour master may give directions for the removal of any moorings not authorised by him under byelaw 13 above and upon receipt of directions the person responsible for such moorings shall remove the same.

51. Any anchor or mooring left unoccupied by a vessel shall be adequately buoyed by the person responsible therefore so as to give proper warning of its presence.

52. No person shall fish from the pier during the period May 1st to October 1st.

53. No person shall proceed onto the pier when the barrier is in position across the landward end of the pier.

54. No vehicle except a vehicle used for fire brigade, ambulance or police purposes and then in case of emergency only shall proceed across the Commissioners' property at a speed greater than ten miles per hour.

55. Save when otherwise directed by the harbour master or by the Commissioners (and save for a vehicle used for fire brigade, ambulance or police purposes) all vehicles shall enter and leave the harbour master or by the designated entrance and exit and keep to the lanes following the direction of the lane markings.

56. No vehicle shall be left on any part of the Commissioners' property which is designated by them from time to time as a car park except in accordance with these byelaws and notices displayed on the Commissioners' property pursuant to the byelaws. This byelaw shall not apply to a vehicle of the fire brigade, ambulance service or police force or other vehicles engaged upon public duties.

57. No person shall bring or cause to be brought upon the Commissioners' property or any part thereof any motor vehicle unless at all times that such vehicle is on the Commissioners' property there shall be in force in respect of such vehicle a road fund licence and third party insurance in accordance with the Road Traffic Act.

58. No person without the permission of the harbour master shall knowingly use or cause or permit to be used any car, coach, caravan, or other vehicle whether mechanically propelled or otherwise on the Commissioners' property for the purpose of sleeping between the hours of 8.00pm and 8.00am.

59. (1) No person in charge of a dog shall cause or permit it to enter the fish market

(2) No person in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain on the Commissioners' property, unless the dog is held on a lead and is restrained from behaviour giving reasonable grounds for annoyance or likely to cause disturbance

(3) No person (other than a registered blind person) in charge of a dog which is within the harbour shall, without reasonable excuse, fail to remove forthwith from the Commissioners' property any faeces deposited by the dog.

(4) For the purposes of compliance with paragraph (3) above, the following provisions shall apply:

(a) it shall be a sufficient removal from the Commissioners' property if the faeces are deposited in a receptacle within the Commissioners' property which has been provided for that purpose by the harbour master; and

(b) without prejudice to the generality of the foregoing, it shall not be a reasonable excuse that a person in charge of a dog did not have with him any means of removal of the faeces.

(5) Notice of the effect of this byelaw shall be given by signs placed in such positions as the harbour master may consider adequate to inform persons using the Commissioners' property.

(6) For the purpose of this byelaw, the keeper of the dog shall be deemed in charge thereof unless the dog had been placed in or taken in the charge of some other person at the time when an offence under this byelaw had been committed.

(7) In sub-paragraph (6) above, the keeper shall include the owner of the dog or any person who habitually has it in his possession.

(8) Byelaw 59 does not apply in respect of any dogs to which Section 1 of the Dangerous Dogs Act 1991 applies.

60. Except with the permission of the Commissioners or the harbour master no persons other than an authorised official of HM Coastguard shall discharge or cause or permit to be discharged on the Commissioners' property any rocket, firework or other explosive substance.

61. No person shall consume intoxicating liquor when upon the Commissioners' property without the permission of the harbour master.

62. (1) Any person committing any breach of the foregoing byelaws shall be liable to a penalty on the levels set out below of the standard scale of fines for summary offences under Section 37 of the Criminal Justice Act 1982.

(2) In any proceedings for an offence under these byelaws it shall be a defence for the person accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence or that he had a reasonable excuse for his act or failure to act

Bylaws:	LEVEL 2
29, 33, 34, 36, 37, 38, 39, 48, 58, 59 and 61	LEVEL 2
All other byelaws	LEVEL 3

63. As from the date of the coming into effect of these byelaws all byelaws previously made by the Looe Harbour Commissioners are hereby repealed.

**IN WITNESS WHEREOF** the Official Seal of the Looe Harbour Commissioners was hereunto affixed this Thirtieth day of June 1995

**DL WEBB** Chairman  
**A.C. SARBENT** Clerk to the Commissioners

L.S.

**IN WITNESS WHEREOF** the Official Seal of the Minister of Agriculture,