

PORT OF
TYNE

GENERAL BYELAWS



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PORT OF TYNE



AUTHORITY

Port of Tyne General Byelaws 1987

THE PORT OF TYNE AUTHORITY

in exercise of the powers conferred by articles 75, 76 and 77 of the Port of Tyne Reorganisation Scheme 1967 and of all other powers them enabling, hereby make the following byelaws.

PART I PRELIMINARY

Title and commencement

1.—These byelaws may be cited as the Port of Tyne General Byelaws 1987 and shall come into operation on the expiration of 28 days from the date of their confirmation by the Secretary of State for Transport.

Application

2.—These byelaws shall apply to all parts of the Port of Tyne of which the limits are set forth in Schedule 1 to these byelaws and which includes the dock estate as defined in byelaw 3. They are also subject to Crown Rights as provided by Article 81 of the Port of Tyne Reorganisation Scheme 1967.

Interpretation

3.—(1) In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them -

“the Authority” means the Port of Tyne Authority constituted by article 4 of the Scheme of 1967;

“berthed” means secured to a quay or to the bank of the river or a dock or secured to another vessel so secured, and "to berth" and "berthing" shall be construed accordingly;

“by day” means between sunrise and sunset;

“by night” means between sunset and sunrise;

“Collision Regulations” means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

“competent” when used in relation to a master or any other person means respectively a master or a person having such qualifications, training and experience that he is capable of properly carrying out the duties required of him;

“discharging” includes deballasting, unloading, landing and all operations associated with and consequential upon the discharge of goods from vessels or vehicles;

“the dock estate” means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences and the lands, buildings and property of every description and of whatever nature which are for the time being vested in or occupied or administered by the Authority;

“dock manager” in respect of any part of the dock estate means the manager appointed by the Authority for that part and includes his authorised deputies and assistants and any person authorised by the Authority to act in any of those capacities;

“dredging” means excavating, raising, raking, breaking, dispersing, drilling, boring or screwing material in the bed or shores within the port;

"fairway" means a navigable channel which is a regular course or track of shipping;

“fish” includes molluscs and crustaceans;

“good” include articles, substances and merchandise of every description and nature' and fish, livestock and animals;

“the harbour master” means the harbour master and any quay master and dock master appointed by the Authority and includes their authorised deputies and assistants and any person authorised by the Authority to act in any of those capacities;

“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;

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils;

“loading” includes ballasting, stowing and all operations associated with and consequential upon the loading of goods on or in vessels or vehicles;

“master” when used in relation to any vessel means any person having or taking, whether lawfully or unlawfully, the command, charge or management of the vessel for the time being;

“moored” means: –

- (a) secured to a mooring buoy, mooring chain or other mooring device in the waters of the port either ahead or astern or both; or
- (b) secured to another vessel so secured; and "to moor" shall be construed accordingly;

“officer” includes a servant;

“owner” when used in relation to: –

- (a) goods includes any person in charge of the goods, the owner, any part owner, consignor, consignee, shipper or agent for the sale, receipt, custody, loading or discharging and clearance of those goods;
- (b) a vessel includes any person in charge of the vessel, the owner, any part owner, master, broker, charterer, agent or mortgagee in possession, of the vessel;
- (c) a vehicle includes any person in charge of the vehicle, the owner and any part owner or agent; and in all cases includes their respective agents.

“the port” means the Port of Tyne as defined in Article 2(1) of the Scheme of 1967;

“power driven vessel” means any vessel propelled by machinery;

“prolonged blast” means a blast of from four to six seconds' duration;

“quay” means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

“the river” means that part of the River Tyne which is within the limits of the port and all rivers, streams, havens, creeks, bays and inlets within the flow and reflow of the tide which discharge into the said part of the River Tyne;

“rubbish” includes ballast, refuse, ashes and scrap and waste materials;

“the Scheme of 1967” means the Port of Tyne Reorganisation Scheme 1967 confirmed with modifications by the Port of Tyne Reorganisation Scheme 1967 Confirmation Order 1968;

“seaward approaches” to the port means that area of sea beyond the limits of the port required to be kept free from any obstruction or impediment to enable vessels to complete such manoeuvres

necessary to align themselves with the harbour entrance for safe entry between the piers, or to leave the port, and for the purposes of byelaw 20, is defined as the area which lies within a radius of three miles from either of the round heads of the North and South Piers, and to the South of a line from Lighthouse on North Pier round head, bearing 242° and to the North of a line from Lighthouse on South Pier round head bearing 288°.

“security officer” means an officer appointed by the Authority for security purposes, whether or not designated as security officer;

“short blast” means a blast of about one second's duration;

“small vessel” means any vessel of less than 20 metres in length;

“the Swing Bridge” means the opening bridge across the River Tyne between Newcastle upon Tyne and Gateshead;

“vehicle” includes any vehicle propelled on rails, machinery on wheels, skids or caterpillar tracks, trailer, flat, caravan, mobile home and a hovercraft and any other amphibious vehicle on or over land;

“vessel” means every description of vessel, however propelled or moved and includes a part of a vessel and any manufactured article and anything constructed, adapted or used for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle on, in or over water and a seaplane on or in water;

(2) The headings to these byelaws are inserted for reference purposes only and shall not in any manner affect the construction or meaning of the byelaws or anything contained in them.

Application of the Collision Regulations

4.—The Collision Regulations shall apply to all vessels within the port but subject to the other provisions of these byelaws.

PART II NAVIGATION

Vessel movements

5.—(1) The master of a vessel of more than 50 tons gross register which is to enter the port shall give to the harbour master at least 24 hour's notice of the vessel's estimated time of arrival at the port and shall report to the harbour master when the vessel is ready to enter the port.

(2) The master of a vessel of more than 50 tons gross register which is to move within or leave the port shall give to the harbour master at least 1 hour's notice of the estimated time at which the vessel will commence navigating in the port and shall report to the harbour master immediately before the vessel is to commence to so navigate.

Declaration of particulars of vessel

6.—The master of a vessel shall before it arrives at the port supply to the harbour master such information as the harbour master may reasonably require, or ensure that it is so supplied,

concerning the name, nationality, dimensions, tonnage, draught, ownership, last port of call and destination of the vessel, and the nature, quantity, condition and stowage of its cargo.

Notice to be given of damaged vessels and incidents

7.—(1) The master of a vessel intending to enter the port: –

- (a) which has sustained damage or has any defect which affects or is likely to affect its seaworthiness or safe navigation; or
- (b) which is or may be in danger of sinking; or
- (c) is on fire, or has been on fire at any time within the period of fourteen days ending on the day on which the vessel is ready to enter the port; or
- (d) of which the cargo or its stowage is in an unsafe or dangerous condition; or
- (e) from which oil or a harmful, dangerous or flammable substance is escaping or is likely to escape; or
- (f) which is carrying or towing a mine or other dangerous object taken from the sea;

shall give notice thereof to the harbour master as soon as practicable before entering the port and shall not take the vessel into the port unless he has given such notice and then only with the permission of the harbour master and in accordance with any directions the harbour master may give.

(2) The master of a vessel which, within the port: –

- (a) is, or may be in danger, of sinking, grounding or stranding or has sunk, grounded or stranded; or
- (b) is on fire; or
- (c) is in collision with any vessel or property; or
- (d) sustains damage or causes damage to another vessel or to property; or
- (e) parts from its berth or any of its moorings so as to come adrift or to be in danger of becoming adrift or comes adrift for any other reason or
- (f) is by reason of accident, fire, defect or otherwise in such a condition as to affect its seaworthiness or safe navigation or to give rise to danger to persons, other vessels or property; or
- (g) in any manner gives rise to an obstruction; or
- (h) has an escape or is likely to have an escape of oil or a harmful, dangerous or flammable substance;

shall forthwith report the occurrence to the harbour master and as soon as practicable thereafter provide the harbour master, in writing, with full details and such further particulars as the harbour master may reasonably require.

(3) The master of a vessel within the port which for any cause is in such a condition as to affect its seaworthiness or safe navigation or to give rise to danger to persons, other vessels or property shall not move the vessel except with the permission of the harbour master and in accordance with his directions unless for safety reasons it is necessary to do so to clear the fairway or to berth, to moor or to anchor the vessel before such permission or directions can be obtained.

The master of such vessel shall, if the harbour master so directs, forthwith remove it from the port or to any part of the port as the harbour master may direct.

Master to be on board

8.—The owner of a vessel shall ensure that there is a competent master on board his vessel at all times when it is being navigated.

Master to remain on bridge

9.—The master of a vessel being navigated shall either himself be on the bridge of the vessel or at the place from which the steering of the vessel is directed or ensure that the vessel is being navigated by a person who is competent to take charge of the vessel and, when a pilot is on board, capable of understanding the directions of the pilot.

Seaworthiness and steering of vessels

10.—The master of a vessel being navigated shall ensure that the vessel is seaworthy in all respects, except when it is being moved as allowed by paragraph (3) of byelaw 7, and that it is steered at all times by a competent person.

Vessels to be navigated with care

11.—(1) The master shall navigate his vessel with such care and caution and at such speed and in such manner as not, directly or indirectly, to endanger the lives of or cause injury to persons or damage to property or to other vessels including, without prejudice to the foregoing provisions of this byelaw, injury or damage by or resulting from wash, swell or suction, and as not to cause any obstruction to or to interfere with the navigation, manoeuvring, working, loading or discharging of vessels, or buoys, moorings, river banks or other property.

(2) Without prejudice to the provisions of paragraph (1) of this byelaw the master of a power driven vessel shall reduce its speed so as not to cause a hazard to any other vessel which is being docked or undocked or to any person or vessel engaged in dredging, diving or other underwater operations or in work on any buoy, mooring, quay or other riverside property.

Speed of vessels

12.—Except with the permission of the harbour master and, without prejudice to the provisions of byelaw 11 and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 6 knots over the ground in the port westwards of the Herd Groyne Lighthouse at South Shields.

Vessels to keep to starboard side of fairway or river

13.—The master of a vessel being navigated shall cause the vessel to keep as near as is safe and practicable to the outer limit of the fairway or, in the case of a vessel not confined to navigating in the fairway in the river, to the river bank, in either case which lies on the starboard side of the vessel except when the vessel is turning in or crossing the fairway.

Vessels not to obstruct fairway

14.—The master of a vessel, whether under power or sail, which is not confined to navigating within the fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

Vessels entering or crossing the fairway

15.—The master of a vessel shall cause the vessel to enter, cross or turn or manoeuvre in the fairway only when the fairway in the vicinity of the vessel is clear, and in such a manner as shall not or shall not be likely to impede or endanger any other vessel.

Vessels meeting

16.—If the river is restricted for any reason so as to make it unsafe for two vessels to pass one another when proceeding in opposite directions, the master of the vessel stemming the tide shall cause his vessel to give way to the other vessel.

Vessels to be stopped or so navigated as to allow boarding when required

17.—The master of a vessel shall, when required by the harbour master or a police constable stop or so navigate the vessel so as to allow the harbour master or the police constable, as the case may be, to board the vessel for the purpose of ascertaining whether any relevant part of these byelaws has been or is being duly observed.

Navigation under influence of drink or drugs

18.—A person shall not navigate any vessel whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper charge of the vessel.

PART III BERTHING AND MOORING

Harbour master's directions

19.—No person shall: –

- (a) anchor, berth or moor a vessel, or
- (b) cause a vessel to be anchored, berthed or moored, or
- (c) cause a vessel to use a quay or mooring

contrary to any direction the harbour master may give.

Permission to anchor

20.—(1) The master of a vessel shall not except with the prior permission of the harbour master anchor, or otherwise place or stop his vessel in the port or in the seaward approaches to the port in such a manner as to cause an obstruction or impediment to other vessels using, approaching or leaving the port, except in an emergency to avoid collision, drifting, stranding, grounding or damage to any vessel or property.

(2) The master of a vessel which is in such a position, and which in the opinion of the harbour master, is likely to cause an obstruction or impediment as aforesaid shall upon being ordered by the harbour master immediately move his vessel to a position approved by the harbour master, except where prevented from doing so by reason of emergency as described; in default of which the harbour master may take any action he considers necessary to remove the obstruction or impediment.

(3) The master of a vessel which in an emergency has been anchored, placed or stopped in the port or in the seaward approaches to the port in such a position as to cause an obstruction or impediment to other vessels shall forthwith report the occurrence to the harbour master.

(4) No person shall except with the prior permission of the harbour master place any obstruction or impediment within the port or in the seaward approaches to the port, so as to interfere with the navigation of vessels.

Berthing or mooring position of vessels

21.—The master of a vessel shall cause it to be berthed or moored only in such a position as to be clear of the fairway except with the permission of the harbour master.

Restriction on berthing and mooring

22.—The master of a vessel shall not cause his vessel to be berthed or moored at any quay or mooring buoy or mooring chain or other mooring device owned by the Authority without the permission of the harbour master.

Vessels to be properly berthed or moored or anchored

23.—The master of a vessel not underway shall at all times: –

- (a) keep his vessel properly and effectively berthed or moored or, subject to the provisions of byelaw 20, anchored;
- (b) ensure that its moorings are adjusted as necessary to allow for the rise and fall of the tide or the level of water in a dock; and
- (c) comply with any directions the harbour master may deem it necessary to give to ensure that the vessel is and continues to be properly and effectively berthed, moored or anchored.

Removal of projections from vessels

24.—The master of a vessel shall ensure that whilst his vessel is being or is berthed or moored at a quay or alongside another vessel or is leaving a quay or from alongside another vessel his vessel's anchors are properly stowed and that all projections beyond the sides of his vessel which are moveable, other than fenders, and which may cause injury, damage or obstruction are removed.

Vessels to be moved as directed

25.—The master of a vessel which is berthed or moored or anchored shall if so directed by the harbour master move his vessel out of the port or to such other place within the port as the harbour master may direct.

Fendering of vessels

26.—The master of a vessel shall ensure that when his vessel is being or is berthed or moored at a quay or alongside another vessel or is leaving a quay or from alongside another vessel it is adequately fendered off that quay or other vessel so as to prevent damage to that quay or other vessel or to other property or to his vessel.

Vessels not to be made fast to unauthorised objects

27.—(1) The master of a vessel shall not cause his vessel to be berthed or moored except to berthing or mooring facilities provided and assigned for that purpose or to another vessel properly and effectively berthed or moored.

(2) No person shall make a vessel fast to any post, ring, fender, and ladder or any other thing or place or any part of any quay or other property not provided for that purpose except with the permission of the harbour master which may be given generally or specifically.

(3) No person shall without lawful authority make a vessel fast to or cause it to lie against any lighthouse, floating or other light, buoy, beacon or other mark or sign intended for use for navigational purposes.

Vessels to be kept in a moveable condition

28.—(1) The master of any vessel berthed at the Authority's Fish Quay at North Shields and the master of a vessel, other than a small vessel, berthed, moored or anchored elsewhere in the port shall not take any steps to render his vessel incapable of movement without first notifying the harbour master and obtaining his permission and shall otherwise at all times keep his vessel in such condition that it is capable of being safely moved and navigated.

(2) Where a vessel to which paragraph (1) of this byelaw applies is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbour master forthwith and give to him any further information which the harbour master may reasonably require.

Sufficiency of crew

29.—Except with the permission of the harbour master, the owner and master of a vessel over 14 metres in length shall at all times ensure that there are sufficient crew or other persons competent and readily available either on the vessel or at a place of which the harbour master has been notified: –

- (a) to attend to his vessel's moorings;
- (b) to comply with any directions given by the harbour master for the unberthing, berthing, unmooring, mooring and moving of his vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

Attendance on board

30.—The master of a vessel, other than a small vessel, shall not, except with the permission of the harbour master, leave his vessel unless he leaves a competent person on board the vessel responsible for ensuring that the matters referred to in paragraphs (a), (b) and (c) of Byelaw 29 are dealt with as may be necessary from time to time during the master's absence.

Passage across or over vessels

31.—The master of a vessel which is berthed or moored shall, if required so to do by the harbour master, allow persons and goods to pass across or over the decks of his vessel to and from any vessel berthed or moored alongside his vessel.

Access to and egress from vessels

32.—(1) The master and owner of a vessel, other than a small vessel, which is berthed alongside a quay shall without prejudice to the requirements of the Merchant Shipping (Means of Access) Regulations 1981, where they apply: –

- (a) ensure that safe means of access to and egress from the vessel is provided at all times for all persons having lawful business on the vessel;
- (b) ensure that such means of access and egress is so placed as not to impede operations on the quay; and
- (c) provide during the hours of darkness sufficient lighting to illuminate the whole length of such means of access and egress.

(2) The master of a vessel, other than a small vessel, which is berthed or moored alongside another vessel shall ensure that: –

- (a) safe means of passing from one vessel to the other vessel is provided when required by any person having lawful business on his vessel; and
- (b) if such means of passage is required during the hours of darkness sufficient lighting is provided to illuminate it or them.

Use of engines while vessel berthed or moored

33.—The master of a vessel which is berthed or moored shall not permit the engines of the vessel to be worked for trial, except with the permission of the harbour master, nor in such a manner as to cause injury to any person or damage to the bed or banks of the port or to any other vessel, moorings, quay or other property of any description or as to interfere with the safe navigation of any other vessel.

PART IV VESSELS

Vessels to have names or other means of identification marked on them

34.—The owner and master of a vessel which is using the port and is not registered as a ship under the Merchant Shipping Acts 1894 and 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification.

Launching of vessels

35.—No person shall launch or cause to be launched any newly built vessel within the port: –

- (a) unless he has given notice accordingly to the harbour master at least 14 days before the day of the launching and supplied the harbour master with such information as he may require in regard to the vessel and the launching, and
- (b) except with the permission of the harbour master and in accordance with any directions he may give.

Repairing of vessels

36.—(1) The owner and master of a vessel shall not: –

- (a) cause or permit the vessel to be altered, repaired, descaled or scraped or any similar operation to be carried out on the vessel anywhere in the port if during any of those operations material of any description is likely to fall into or be deposited in the waters of the port; nor
- (b) cause or permit the vessel to be altered or repaired at any quay of the dock estate except with the prior permission of the harbour master and in accordance with such conditions as he may impose.

(2) No person shall undertake the alteration, repair, descaling or scraping of or any similar operation on a vessel anywhere in the port if during any of those operations material of any description is likely to fall into or be deposited in the waters of the port.

(3) No person, other than a member of the crew of a vessel, shall undertake the alteration or repair of that vessel at any quay of the dock estate except with the prior permission of the dock manager and in accordance with such conditions as he may impose.

Breaking up of vessels

37.—No person shall set fire to or destroy or break up a vessel or wreck in the port except with the prior permission of the harbour master and in such a manner and position as may be approved by the harbour master in writing.

Abandonment of vessels

38.—(1) No person shall abandon or cause to be abandoned a vessel or any part of a vessel in any part of the port.

(2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel or any part of a vessel in any part of the port in such circumstances or for such a 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.

Vessels not to be fumigated without permission

39.—The master or owner of a vessel shall not cause or permit it to be fumigated in the port except with the permission of the harbour master and subject to any conditions which he may impose.

Change of name or ownership of vessels

40.—On any change in the name or in the ownership of a vessel, other than a small vessel, in the port the owner and the master in the case of a change of name and the parties to a change of ownership shall ensure that immediate written notice of the change is given to the Authority.

Registration of small vessels

41.—(1) No person shall keep, navigate or use a small vessel within the port unless the owner of the vessel has registered the vessel with the harbour master and supplied such information as the harbour master may reasonably require, including the name and address of the owner, details of the vessel and the place where the vessel is normally kept, if that place is within the port, and the purpose for which the vessel is or is to be kept, navigated or used within the port.

(2) The owner of a small vessel shall forthwith give notice to the harbour master if the vessel is sold or its ownership is otherwise transferred or if there is any other alteration in the particulars which have been registered.

Registration of vessels to be used for towing

42.—(1) The owner of a vessel, other than a small vessel, which is used or to be used for towage purposes within the port shall forthwith: –

- (a) register that vessel with the harbour master and supply such information as the harbour master may reasonably require including the name and address of the owner, details of the vessel and whether it is used or to be used for towing, for hire or reward, provided that the harbour master may refuse to register any vessel intended to be used for towing which he in his discretion may consider unsafe, unsuitable or otherwise unfit for the purpose, and
- (b) give notice to the harbour master if the vessel, having been registered, is sold or its ownership is otherwise transferred or if there is any other alteration in the particulars which have been registered.

(2) No person shall use a vessel for towage purposes within the port which is not registered in accordance with the provisions of byelaw 41 or paragraph (1) of this byelaw except to provide assistance by towing in an emergency and in that case shall, if practicable, notify the harbour master prior to rendering such assistance or arrange for him to be so notified

PART V SIGNALS

Unnecessary signals

43.—The master of a vessel shall not cause the vessel's whistle or siren to be sounded in the port except to make signals prescribed in the Collision Regulations or in any of these byelaws or to attract attention to a state of emergency or, with the permission of the harbour master, for testing purposes.

Vessels turning about

44.—The master of a vessel intending to turn about in the river shall cause to be sounded on the vessel's whistle or siren four short blasts as rapidly as possible and, after a short interval, if turning to starboard, one further short blast, or if turning to port, two further short blasts and during the turn shall cause the signal to be repeated from time to time.

Vessels at buoys or alongside another vessel

45.—(1) The master of a vessel, other than a small vessel, moored to buoys shall cause the vessel to show the lights and make the sound signals in restricted visibility prescribed in the Collision Regulations for vessels at anchor.

(2) The master of a vessel, other than a small vessel, berthed or moored alongside another vessel in the river shall cause his vessel to show a white light or lights sufficient to indicate the extremities of his vessel that are closest to the fairway.

Diving operations from vessels or otherwise

46.—(1) The master of every vessel, irrespective of size, engaged in diving operations in the port shall cause to be exhibited on the vessel where it can best be seen, in addition to the lights and shapes required to be exhibited by the Collision Regulations, a rigid replica of Flag 'A' of the International Code of Signals, as shown in Schedule 2 to these byelaws, and shall take measures to ensure all-round visibility for such replica. The said replica shall be not less than one metre in height and by night shall be illuminated.

(2) A person in charge of or supervising diving operations undertaken in the port without an attendant vessel shall cause to be exhibited on shore where it can best be seen and as near as possible to the scene of such operations a rigid replica of Flag 'A' as aforesaid and shall take measures to ensure that such replica is clearly visible from any approaching or passing vessel. The said replica shall be exhibited for the duration of the diving operations.

Hydrofoil vessels and hovercraft

47.—Without prejudice to the provisions of the Collision Regulations, the master of a hydrofoil vessel under way and of a hovercraft when operating in the non-displacement mode shall cause to be exhibited on the vessel by day and by night an all-round flashing yellow light.

Signals for wrecks and obstructions

48.—The master or owner of any sunken vessel or part of a vessel, wreck, or any obstruction which impedes or is likely to impede navigation shall forthwith mark it or cause it to be marked with such of the signals specified below as the harbour master may direct: –

- (a) any of the appropriate aids to navigation specified in the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System as applied in Region A; or
- (b) a yellow flag displayed on the shore immediately adjacent to the obstruction, such flag to be illuminated by night, in such position as to be clearly visible from any vessel approaching or passing the obstruction.

NOTE: – See also Byelaw 70.

Vessels not to enter or leave docks until signal is exhibited

49.—(1) The master of a vessel shall not cause the vessel to approach the tidal basin or lock at the entrance to the Authority's Albert Edward Dock at North Shields, nor the tidal basin at the entrance to the Authority's Tyne Dock at South Shields for the purpose of entering either of those docks whilst the light signal shown in paragraph (1) of Schedule 3 to these byelaws is exhibited at the entrance of the dock which the vessel is to enter, and shall not proceed until the light signal shown in paragraph (2) of the Schedule is exhibited.

(2) The master of a vessel shall not cause the vessel to manoeuvre in either of those docks or to approach any such tidal basin or lock for the purpose of leaving the dock whilst the light signal shown in paragraph (1) of Schedule 3 to these byelaws is exhibited at the exit of the dock which the vessel is to leave, and shall not proceed until the light signal shown in paragraph (2) of the Schedule is exhibited.

Vessels passing through the Swing Bridge

50.—The master of a vessel which he intends to navigate through the Swing Bridge shall cause such signal or signals to be sounded by the vessel and observe and comply with such signals as are sounded by or exhibited at the Swing Bridge in accordance with directions given or regulations made from time to time by the Authority relating to vessels approaching and passing through the Swing Bridge and to the opening of that bridge

PART VI

THE REGULATION OF THE HANDLING OF GOODS AND THE OPERATION OF VEHICLES

Handling and movement of goods

51.—(1) The owner of any goods shall comply with such directions as the dock manager may from time to time give for regulating the time, place and manner of discharging, loading, placing or storing those goods within the dock estate or otherwise bringing into or removing those goods from the dock estate, provided that such directions shall not affect the taking possession and removal (subject to Byelaw 56) of any goods under the powers exercised by an inspector appointed under the Health and Safety at Work, etc., Act 1974.

(2) The owner of any goods shall not within the dock estate carry out on or apply to those goods any operation, other than those referred to in paragraph (1) of this byelaw, or any process or treatment without the permission of the dock manager. Provided that, subject to the provisions of byelaw 86, this paragraph shall not apply to the carrying out or application of any operation, process or treatment by or for a person on land which he occupies on the dock estate as a tenant or licensee of the Authority for a purpose which includes the undertaking of that operation, process or treatment.

(3) The owner of any goods discharged from a vessel at the dock estate shall ensure that the goods are removed there from as soon as practicable and in any case within 48 hours of their discharge unless the dock manager otherwise agrees or the goods are moved within that period to a part of the dock estate let to a tenant or occupied by a licensee of the Authority.

Supervision of loading and discharging

52.—The master of a vessel shall ensure that at all times during the loading or discharging of the vessel a competent person, acting on behalf of the vessel, shall be on board to supervise its loading or discharging.

Precautions during loading and discharging

53.—The master of a vessel and a person in charge of the loading or discharging of a vessel shall use or cause to be used such methods as the dock manager may direct or such means as may otherwise be necessary for the prevention of any cargo, dunnage, ballast or other materials or things from falling or escaping into the waters of the port or on to the dock estate.

Goods falling into the waters of the port

54.—The master of a vessel from which any cargo, dunnage, ballast or other materials or thing has fallen or escaped into the waters of the port or the person in charge of the loading or discharging of the vessel, as appropriate, shall: –

- (a) forthwith give notice of the occurrence to the harbour master and, if possible, of the position of the cargo, dunnage, ballast or other materials or thing which has fallen or escaped; and
- (b) take steps as soon as practicable for the recovery of such cargo, dunnage, ballast or other materials or thing if the harbour master so directs, and comply with any directions of the harbour master in that regard.

Obstruction at dock estate

55.—(1) No person shall, except with the permission of the dock manager, deposit or place any goods or park any vehicle on any part of the dock estate so as to interfere with operations there or so as to obstruct any quay, transit or working area, road, railway, bridge, building, structure, mooring place, plant, machinery, equipment or apparatus or the access thereto.

(2) A person who contravenes paragraph (1) of this byelaw or the owner of the goods or vehicle causing interference or obstruction shall move or remove them or it or cause them or it to be moved or removed as the dock manager may direct.

Removal of goods

56.—A person removing goods from the dock estate, whether in or on a vehicle or otherwise, shall if required to do so by the dock manager or a security officer of the Authority: –

- (a) inform the dock manager or that officer of his name and address and of his authority to remove those goods and produce for inspection any written authority to remove those goods which has been issued to him; and
- (b) permit the dock manager or that officer to verify that the goods which that person is removing are in accordance with his authority before removal.

Safe driving of vehicles

57.—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.

Regulation of vehicular traffic

58.—A person driving or otherwise operating or having charge of a vehicle in the dock estate shall, subject to the provisions of byelaw 57, at all times in driving, otherwise operating or parking the vehicle comply with such signs, including road markings, signals and notices relating to the regulation of traffic as the Authority may from time to time place, erect or exhibit.

Supervision of vehicles

59.—A person driving or otherwise operating or having charge of a vehicle in the dock estate: –

- (a) shall at all times comply with any directions of the dock manager with respect to the driving, parking, loading, discharging, manoeuvring and removal of the vehicle;

- (b) shall not, without the permission of the dock manager park or leave the vehicle unattended anywhere in the dock estate, except in an area allocated for that purpose by the Authority; and
- (c) shall not, without the permission of the dock manager, take it into any building or working area of the Authority.

Precedence of rail vehicles

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

Driving on weighbridges

61.—No person shall drive or otherwise operate a vehicle across any weighbridge in the dock estate except for the purpose of weighing the vehicle or the vehicle and its load.

Loading of vehicles

62.—The owner or driver of a vehicle in the dock estate shall ensure that: –

- (a) any load carried thereon or therein is properly secured and that it complies with all statutory requirements relating thereto and restrictions on the weight of goods to be carried as are applicable on public roads; and
- (b) the weight of the loaded vehicle complies with any restrictions imposed by the Authority on the laden weight of vehicles in any part of the dock estate over which the vehicle is to be driven or operated.

Loads not to leak, spill or drop

63.—The owner or driver of a vehicle in the dock estate shall not permit any substance to leak, spill or drop from the vehicle.

Refuelling of vehicles

64.—No person shall within the dock estate charge or recharge any vehicle with fuel or remove any fuel from it except at such times and places as the dock manager may approve either specifically or generally.

Transfer of fuel between vessels and vehicles

65.—No person shall within the dock estate charge or recharge any vessel with fuel from a vehicle or remove any fuel from a vessel to a vehicle except with the permission of the harbour master and in accordance with any conditions he may impose.

Accidents to be reported

66.—A person driving or otherwise operating or having charge of a vehicle which is 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 the dock manager and shall give to the dock manager his name and address, the name and address of the owner of the vehicle and such other information in regard to the accident and the vehicle as the dock manager may reasonably require.

PART VII GENERAL

Access and inspection facilities to be made available to harbour master

67.—The master of a vessel shall afford the harbour master or a police constable such reasonable facilities as the harbour master or the police constable, as the case may be, may require, on production, if so required, of his authority, for the purpose of ascertaining whether any relevant part of these byelaws has been or is being observed.

Obstruction of fire and other services

68.—No person shall obstruct the fire, police, ambulance and other emergency services dealing with, alleviating or preventing any emergency.

Lost anchor, chain, cable or propeller

69.—The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller within the port shall: –

- (a) give to the harbour master forthwith notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and shall, if practicable, mark that position by a buoy or by other means; and
- (b) take steps as soon as practicable for the recovery of such anchor, chain, cable or propeller if the harbour master so directs and comply with any directions of the harbour master in that regard.

Wrecks and obstructions

70.—The owner of an obstruction of whatever description, whether or not floating, which impedes or is likely to impede navigation or dredging in the port or in or near the seaward approaches to the port, including a sunken, grounded, stranded or drifting vessel, wreck or vehicle, shall if so directed by the harbour master and in accordance with any directions he may give take steps to remove the obstruction or have it removed and, until it is removed, to have it watched and marked.

Discharge and deposit of rubbish and liquids

71.—(1) The master of a vessel shall not cause or permit any rubbish or any liquid, including circulating water, foul water and sewage, to be cast, placed or discharged or to escape from the vessel on to any quay in the dock estate.

(2) No person shall leave on any part of the dock estate any rubbish or anything else with intent to abandon it. Provided that this byelaw shall not apply to the leaving of rubbish or anything else in receptacles or places provided or allocated for their reception and disposal nor to the tipping, placing or depositing of materials approved by the Authority in the course of operations and in places which they have authorised.

Private moorings

72.—(1) In this byelaw "mooring" means a mooring buoy, mooring chain or other mooring device in the waters of the port.

(2) No person shall place, lay down, maintain and use any mooring or remove or alter any such mooring or change its authorised use without the licence or prior consent in writing of the Authority or otherwise than in accordance with such terms and conditions as the Authority may impose in that regard.

(3) The owner or any person claiming possession of a mooring: –

- (a) shall permit the Authority to have access at any time to the mooring for the purpose of inspecting and examining its state and condition and shall afford them every reasonable facility for that purpose;
- (b) shall not use or allow the mooring to be used after notice from the Authority of any defect or want of repair of the mooring unless and until such defect or want of repair shall have been made good and the mooring shall have been put in repair and in a safe and proper condition to the satisfaction of the Authority; and
- (c) shall forthwith alter, move or remove it if the Authority or the harbour master so direct.

Riverside property to be kept in repair

73.—The owner and occupier of any property abutting on or projecting into the river shall ensure that no part thereof falls or is washed or is likely to fall or to be washed into the river.

Dumping in waters of the port

74.—No person shall place, deposit or throw or cause or permit to be placed, deposited or thrown into the waters of the port any rubbish or any article, material or thing whatsoever or place it or permit to be placed, in such a position that it can fall, blow or drift into such waters, providing that this byelaw shall not apply to the placing or deposit of any article, material or thing which is:–

- (a) an offence under the Food and Environmental Protection Act 1985 or the Control of Pollution Act 1974, or
- (b) required for the execution of any work authorised or licensed by or under any enactment or approved by the Authority, or
- (c) without prejudice to the provisions of byelaw 20(1), necessary for the anchoring of a vessel.

Fishing nets and lines not to cause obstruction

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

No dredging without licence

76.—No person shall carry out dredging, save as authorised by any enactment, without the licence in writing of the Authority.

No dragging or grappling without permission

77.—No person, other than a police constable in the execution of his duties, shall drag or grapple in the waters of the port for any material or article, other than rubbish, or remove the

same from those waters or from the bed of any water area of the port without the permission of the harbour master.

Damage to moorings

78.—No person shall without reasonable cause interfere with, slacken or loosen any rope, chain or other mooring of a vessel or otherwise cast a vessel adrift.

Entry to restricted areas on the dock estate

79.—(1) No person shall without lawful authority or reasonable excuse enter, or attempt, to enter, or remain upon any part of the dock estate, which being a part where entry by members of the public is, in the opinion of the Authority, likely to involve danger to life, or the disruption of facilities for travel, or of the handling of goods and cargo, is marked by a notice or other sign exhibited in a conspicuous position, on or near such part or on a barrier, as being not available for entry by the public.

(2) Any person on the dock estate without lawful authority or reasonable excuse shall leave the dock estate forthwith if required to do so by the dock manager or by another officer of the Authority.

Abandonment of vehicles

80.—(1) No person shall abandon or cause to be abandoned a vehicle or any part of a vehicle in any part of the port.

(2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vehicle or any part of a vehicle in any part of the port in such circumstances or for such a 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.

Interference with property

81.—No person shall without lawful authority or as otherwise provided by byelaw 83: –

- (a) interfere in any manner whatsoever with any property of the Authority or with any goods in their possession or their charge or under their control;
- (b) use, work or move any vessel, vehicle, plant, machinery, equipment or apparatus of the Authority; and
- (c) alter, move or remove any sign, signal or notice placed, erected or exhibited by the Authority.

Interference with lighthouses and navigation lights, buoys, beacons or marks

82.—No person shall without lawful authority climb on to or otherwise gain access to or intentionally interfere in any manner whatsoever with any lighthouse, floating or other light, signalling apparatus, buoy, beacon or other mark or, sign intended for use for navigational purposes.

Interference with fire-fighting or life-saving equipment

83.—No person shall: –

- (a) intentionally or recklessly obstruct the use or operation of, or interfere with any firefighting or life-saving equipment or apparatus in the port; or
- (b) use or remove any such equipment or apparatus except for the purpose of combating fire or saving life or with lawful authority for inspection or maintenance purposes.

Restrictions on notices

84.—Except in the lawful exercise of a statutory power, no person shall publicly place, erect or exhibit any notice, placard, advertisement or bill or distribute any leaflet, pamphlet, circular or other printed matter within the dock estate except with the permission of the dock manager.

Fires and lights

85.—(1) No person shall within the dock estate or on or in any vessel at any quay of the dock estate have a fire or flame or use or permit to cause to be used any lamp, light, equipment or apparatus the use of which may involve the risks of causing fire or explosion, except with the permission of the dock manager which may be given generally or specifically and in either case subject to such conditions as he may deem necessary in the interests of safety.

(2) A person having or using anything within the dock estate or on or in any vessel at any quay of the dock estate which may involve the risks of causing fire or explosion shall take all reasonable precautions for preventing such an occurrence.

(3) No person shall intentionally or recklessly obstruct or prevent the dock manager taking steps, if he deems it necessary, to have any fire or flame extinguished or to have the use of any lamp, light, equipment or apparatus stopped when it is lit or used in contravention of this byelaw.

NOTE: This Byelaw is without prejudice to the requirements of Shipbuilding and Ship repairing Regulations 1960, where they apply.

Smoking

86.—(1) No person shall smoke tobacco or any similar thing:

- (a) within the dock estate except in such areas or places as the Authority may from time to time designate as areas or places where smoking is permitted or as they may otherwise authorise;
- (b) on board any vessel at any quay of the dock estate or in any part of such vessel in which the dock manager may prohibit smoking because of the risks of causing fire or explosion.

(2) The master of a vessel on which or in any part of which the dock manager has prohibited smoking shall ensure that all persons on board such vessel comply with that prohibition.

Fireworks

87.—No person shall throw fire or otherwise ignite any firework, as defined for the purposes of the Explosives Act 1875, on the dock estate or on or from any vessel in the port except with the prior permission of the harbour master or as a lawful distress signal.

Firearms and offensive weapons

88.—(1) No person shall, without lawful authority or reasonable excuse, have with him on the dock estate a loaded shotgun or loaded air weapon or any other firearm, whether 03 loaded or

not, together with ammunition suitable for use in that firearm, in each case as defined in the Firearms Act, 1968, or an offensive weapon as defined in the Prevention of Crime Act, 1953.

(2) No person shall discharge within the port or on any vessel in the port any firearm other than as a lawful distress signal or in the proper use of life saving apparatus or a firearm loaded with blank ammunition for use as a starting signal except with the permission of the Authority.

NOTE: This Byelaw is without prejudice to the Requirements of the Firearms Act 1968, where they apply.

Aircraft

89.—(1) No person shall land or take off an aircraft (including a seaplane) in or from within the port or on or from a vessel in the port except with the permission of the harbour master and subject to any conditions he may impose.

(2) No person shall use or cause to be used any part of the dock estate for the landing or taking off of an aircraft except with the consent of the Authority and subject to any conditions they may impose.

Animals

90.—(1) No person shall bring on to or keep on any part of the dock estate any animal except with the permission of the Authority given either specifically or generally.

(2) A person having charge of an animal on the dock estate shall at all times keep it under control and secure by means of a leash, container or other appropriate method.

Meetings

91.—Except with the consent of the dock manager, no person shall within the dock estate: –

(a) convene or take part in any public meeting; or

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

Unauthorised trading

92.—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 the Authority. Provided that this byelaw shall not apply to such buying or selling permitted pursuant to a lease or licence granted by the Authority or to the buying or selling of fish at the Authority's Fish Quay at North Shields.

Fishing

93.—No person shall fish in or from any part of the dock estate except with the permission of the Authority given either specifically or generally.

Bathing, swimming, diving

94.—(1) No person shall bathe, swim, dive or engage in under water activities except with the permission of the Authority: –

- (a) in or to or from any part of the dock estate:
- (b) in the fairway within the port; or
- (c) in any other areas which the Authority may designate as areas in which all or any of those activities are prohibited.

(2) No person shall dive or engage in other underwater activities unless the harbour master has been notified of the time and place at which such activities are to take place and their expected duration at least 2 hours before they are due to commence.

Water skiing, aquaplaning and other similar activities

95.—No person shall engage or take part in water skiing, aquaplaning, kiting or parachute towing or any similar waterborne or airborne activity except with the permission of the Authority given either specifically or generally and only in such areas as may be designated by the Authority and in accordance with such conditions as the Authority may impose.

Regattas, races and similar events

96.—(1) No person shall organise any regatta, race, procession, pageant or any other similar event, or any part of any such event, when a number of vessels is expected to participate or to assemble, to take place within the port, unless he supplies to the Authority such information in regard to that event as the Authority may require and obtains the prior written consent of the Authority to the holding of such event or the part of such event within the port.

(2) The organiser of any of the events referred to in paragraph (1) of this byelaw shall ensure that it only takes place in accordance with any conditions imposed by the Authority or the harbour master and in areas or at places or on courses and at times previously approved by the Authority or the harbour master. Penalties

Penalties

97.—(1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the Authority or the harbour master or a dock manager in the exercise of the powers conferred upon them or him by these byelaws shall be guilty of an offence and be liable, on summary conviction, to a fine in accordance with the provisions of paragraph (3) of article 78 of the Scheme of 1967.

(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 a 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. Paragraph (3) of article 78 of the Port of Tyne Reorganisation Scheme 1967 is as follows:

Except where otherwise provided by this Scheme or by the enactment authorising the making of the byelaws concerned a person offending against any byelaw made by the Authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(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; or

(4) If in any case the defence provided by paragraph (3)(a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

(5) It is expressly declared that the imposition and payment of any penalty under these byelaws shall not affect the liability of any person or vessel for any loss or injury or damage to any person or property arising from any contravention or failure to comply with any of these byelaws or any condition, requirement or prohibition imposed by the Authority or the harbour master or a dock manager in exercise of the powers conferred by these byelaws.

Revocations

98.—The following byelaws are hereby revoked:

- (1) Byelaws for the regulation of the Port of Newcastle upon Tyne and of the Northumberland and Albert Edward Docks and the River and Dock Staiths of the Tyne Improvement Commissioners made by the said Commissioners on the fourteenth day of August 1884.
- (2) Byelaws for the regulation of the Port of Newcastle upon Tyne and the parts of the River Tyne within the jurisdiction of the Tyne Improvement Commissioners made by the said Commissioners on the fourteenth day of December 1925.
- (3) Byelaws relating to moorings in the River Tyne made by the Tyne Improvement Commissioners on the eighteenth day of April 1912.
- (4)(a) Byelaws, Orders and Regulations with respect to the Public Quays of the City and County of Newcastle upon Tyne and (b) Byelaws as to smoking in buildings on the said Quays, made by the Council of the said City and County on the second day of August 1905 and the twentieth day of July 1949 respectively.
- (5) Byelaws for regulating the use of the Fish Quay Undertaking of Tynemouth Corporation and for the Licensing of Fish Porters made by the Council of the County Borough of Tynemouth and confirmed by the Minister of Transport on the thirty first day of December 1925.

SCHEDULE 1 (BYELAW 2) - LIMITS OF THE PORT

The port within the jurisdiction of the Port of Tyne Authority comprises: –

- (1) the River Tyne from Hedwin Streams above Newcastle upon Tyne to and including the seaward approaches within a radius of one mile from either of the round heads of the North Pier and South Pier at the mouth of that river;
- (2) all rivers, streams, havens, creeks, bays and inlets within the flow and reflow of the tide which discharge into the River Tyne within the limits referred to in paragraph (1) above, and
- (3) the dock estate as defined in Byelaw 3.

NOTE: A sketch map showing with a blue line the approximate limits of the port is appended to these byelaws by way of illustration but not of definition of the extent of the port.

SCHEDULE 2 (BYELAW 46)

WHITE and BLUE flag to be displayed.



(Flag 'A' of the International Code of Signals).

DIMENSIONS: 'a' shall in all cases be not less than 1 metre (39.38 inches).

SCHEDULE 3 (BYELAW 49)

Light Signals for vessels entering or leaving the Authority's Docks.

1. FIXED RED: Vessel shall not proceed.



2. FIXED GREEN: Vessel may proceed. One way traffic.



————— § —————

IN WITNESS whereof the PORT OF TYNE AUTHORITY have caused their common seal to be hereunto affixed the 2nd day of December 1986.

G.V. CARR

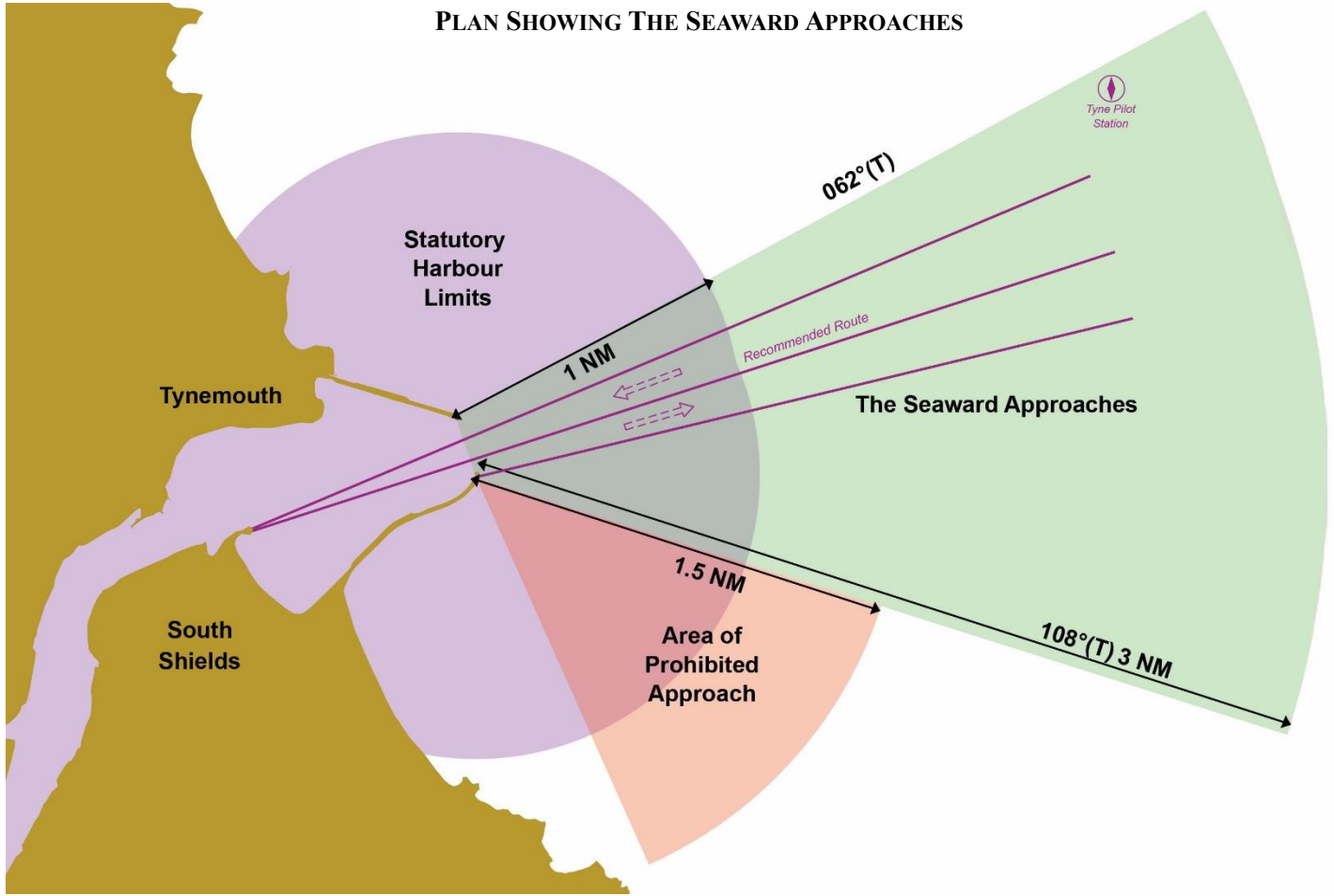
Chairman

M. M. FERGUSON

Asst. Secretary



**APPENDIX I
PLAN SHOWING THE SEAWARD APPROACHES**



APPENDIX II APPROXIMATE LIMITS OF THE PORT OF TYNE

