

COUNCIL:

24 JANUARY 2008

EXECUTIVE PROPOSAL

AGENDA ITEM:

CARDIFF HARBOUR AUTHORITY BYELAWS

Reason for this Report

1. To request Council to approve the proposed draft Byelaws attached to this report and to seek confirmation from the National Assembly for Wales to allow the implementation of the Byelaws to help with good management of land owned by the Council in Cardiff Harbour.

Background

2. There is a requirement to make Byelaws for the good rule and government of the Inland Bay and Outer Harbour as set out in Section 16 of the Cardiff Bay Barrage Act 1993.
3. Upon assuming responsibility for the Barrage and Inland Bay on the 1 April 2000 the Harbour Authority took on the requirement to make byelaws, they were not immediately progressed since it was acknowledged that it was necessary to put all operational procedures into place and progress major projects before the full extent of the Byelaw objectives were known.

Issues

4. In January 2006 draft Byelaws were sent to local stakeholders and interested parties for consultation and their comment. Upon receipt of comments the Byelaws were amended and sent in April 2006 to the National Assembly for Wales for comment. Lengthy consultation with the National Assembly for Wales has taken place and, in August 2007 final comments were received from the Assembly and amendments made.
5. The Byelaws were then sent again to local stakeholders and interested parties for consultation and comment on the final draft. Comments were received and have been evaluated and a decision made as to whether any amendments were required. A number of those consulted did not request amendment but requests for clarification on particular Byelaws were received and letters with clarification of these Byelaws have been sent. A schedule showing the consultation list and a schedule showing comments received from local stakeholders and interested parties together with any amendments is attached to this report at Appendix 1.

Appendix 2 contains the final draft Cardiff Harbour Authority Byelaws for Council approval.

6. The process requires approval from the Council and a notice being placed in local newspapers confirming the Council will be intending to submit the Byelaws to the National Assembly for Wales for confirmation from a Minister or an official with appropriate delegated authority to approve that submitted. Once this confirmation of approval is received the Council will be able to process their implementation.

Reasons for Recommendations

7. To seek the Council's approval of the draft Byelaws attached to this report and to seek confirmation from the National Assembly for Wales to allow implementation of the Byelaws to help with good management of land owned by the Council in Cardiff Harbour.

Legal Implications

8. The recommendation in the report is that Council approves the proposed Cardiff Harbour Authority Byelaws attached to the report ("the Byelaws") and seeks confirmation from the National Assembly of Wales to allow the implementation of the Byelaws. External legal advice was sought on drafting the Byelaws from a lawyer specialising in maritime law. Accordingly, this advice does not seek to comment on the content of the Byelaws though it is understood that the National Assembly for Wales have been consulted as to the content of the same.
9. Under Section 1A (j) of Part 3 of the Council's Constitution the making, amending, revoking, re-enacting or adopting of Byelaws can only be exercised by the Full Council. Accordingly, the matter must go to Full Council.
10. Pursuant to section 16 (1) of the Cardiff Bay Barrage Act 1993 ("the 1993 Act") the Council acting in its capacity as the Harbour Authority may make byelaws for the good rule and government of the inland bay and the outer harbour (as defined under the said Act) subject to the provisions set out under Section 16 of the 1993 Act. In particular, before making the Byelaws the Council acting in its capacity as the Harbour Authority must consult with a) the Vale of Glamorgan Borough Council to the extent that the Byelaws would apply in the Borough of the Vale of Glamorgan (section 16 (4) (d) of the 1993 Act) and b) in connection with any of the Byelaws relating to discharges into water, fishing or water sports or other recreational activities, the Environment Agency (section 16 (5)). Legal Services are instructed that the Council acting in its capacity as the Harbour Authority has carried out consultations with the aforementioned bodies and no adverse comments have been received.
11. For the reasons set out above, the recommendation contained in the report can be achieved within legal constraints and when the Council has formally resolved to adopt the Byelaws the following procedure will need to be followed:-

- a) the Byelaws will need to be signed, sealed and dated;
- b) after the Byelaws have been sealed, a notice of the Council's intention to apply for confirmation of the Byelaws must be given in one or more local newspapers circulating in the area to which the byelaws are to apply;
- c) for at least one month after the date of the publication of the newspaper(s), a copy of the Byelaws must be held on deposit at the offices of the Council for inspection by the public at all reasonable hours;
- d) the Council must provide any person who applies with a copy of the Byelaws or with a copy of any part of the Byelaws and a fee of not more than 10 pence should be charged for every 100 words contained in any copy supplied;
- e) an application to the National Assembly for Wales for confirmation should not be made until the month of deposit has expired. The application should state that a copy of the sealed Byelaws as forwarded has been deposited for inspection for a full calendar month since publication of the newspaper(s) and a copy of the newspaper or a photocopy of the full page advertising the Byelaws should also be enclosed; and
- f) once the Byelaws have been confirmed a copy of the Byelaws must be printed and deposited at the offices of the Council and shall at all reasonable hours be open to public inspection without payment and provide copies for sale at no more than 20 pence per copy.

Financial Implications

12. This report does not result in any additional financial implications.

Consequences

13. Cardiff Harbour Authority progress the receipt of confirmation from the National Assembly for Wales to implement the Byelaws.

EXECUTIVE PROPOSAL

Council is recommended to agree the proposed Cardiff Harbour Authority Byelaws, attached as Appendix 2 to this report, and to seek confirmation from the National Assembly for Wales to allow the implementation of the Byelaws.

THE EXECUTIVE

10 January 2008

The following Appendices are attached:

Appendix 1 - Schedule of Consultation with Stakeholders and Interested Parties and Harbour Byelaws comment and Change Register.

Appendix 2 - Proposed Cardiff Harbour Authority Byelaws.

CARDIFF HARBOUR AUTHORITY

Appendix 1

HARBOUR BYE-LAWS CONSULTATION WITH STAKEHOLDERS AND INTERESTED PARTIES

Name	Group Consulted	Comments Received Yes / No
Kevin Rolfe	Cardiff Bay Yacht Club	Yes- 4 October 2007
Ray Perriam	Cardiff Yacht Club	No
Stuart Jones	Quay Marinas	No
Peter Gough	Environment Agency Wales	Yes -19 September
Hugh Harrison	The RSPB	Yes - 6 October 2007
Paul Harvey	Welsh Amateur Rowing Association	No
Dave Hosken	Cardiff Commercial Boat Operators	Yes-15 October 2007
Kevin Ryan	Taff River Boat Club	No
Trevor Auld	Associated British Ports	Yes -12 October 2007
Phil Hutchings	Cardiff County Council	Yes - 25 September 2007
Jo Pickard	CCW	No
Paul Gay	Vale of Glamorgan Council	No
Karen Bowen	Cardiff Bay Advisory Committee	No
Steve Woodward	Cardiff Bay Cruises	No
Steve Critchley	Cardiff Cats	No
Mike Nicholas	Bay Island Voyages	No
Rob Freemantle	Cambrian Marine	No
Nigel John	British Marine Federation	No
Ryan Hopkins	Severn Explorations	No
Sarah Ryan	Countryside Council for Wales	Yes 25 October 2007

Harbour Byelaws Comment and Change Register

Date received	Interested Party	Byelaw	Comment or Proposed Change	Changed approved (Y/N)	Comment	Amendment Date
19/09/2007	Environment Agency	Part 1 Section 3 - Fishing	Replace trawling of any description with fishing of any description.	Yes	Letter sent with confirmation of change.	12/11/07
04/10/2007	Cardiff Bay Yacht Club	Bye laws 11,14,15 c,15e,20, 23a,25a, 28&42	Meeting took place with Barrie Metcalfe and Paul Simes of CBYC on 4 Oct and issues discussed, both parties a letter would cover the Club's concerns and this has been sent. .Byelaw 15e has been rewritten.	Yes	Letter from CHA deals with all queries giving confirmation when byelaw would or would not be applied. CHA re-visited bye law 15e that relates to towing and changed to – Vessels plant or any other floating object that normally does not have the ability to steer when underway shall require consent from the Authorised Officer to navigate either by towing on the water or any other means when navigating within Cardiff Harbour.	12/11/07
25/09/2007	Cardiff Council- Strategic Planning and Environment		Asked for consideration to include "Fire Arms" also suggested we include a byelaw that requires al users of the Bay to use PPE.	No	Fire arms covered under separate legislation. Generally harbours do not insist and "police" the use of PPE.	
12/10/2007	Associated British Ports	9	Comment that byelaw does not ask for vessels to monitor ABP VHF channel.	No	Navigation outside Cardiff Harbour is a matter for ABP.	
15/10/2007	RSPB		Request to include provision to protect wildlife habitat particularly during the breeding season.	No	Letter sent confirming the Wildlife and Countryside Act provides for wildlife protection.	

Harbour Byelaws Comment and Change Register

Date received	Interested Party	Byelaw	Comment or Proposed Change	Changed approved (Y/N)	Comment	Amendment Date
15/10/2007	Cardiff Commercial Boat Operators Ltd - the comments shown are new comments.	4	Objection that the staff of the Harbour Authority are not qualified to administer the bye laws.	No	CHA have been managing the waters and land of the Cardiff Bay for over 7 years and major stakeholders of not brought any objection on the Bay management and independent consultants carried out and audit on behalf of WAG in 2006 and found CHA to have Cardiff Bay in diligent manner.	
		5a	Not an objection but an accusation that CHA staff caused damage by navigating and causing wash.	No	Letter sent to help with clarification.	
		8d	Comment that Mr Hosken found difficulty in finding the end of a queue of vessels.	No	Letter sent to help with clarification.	
		9d	Comment that it was not always desirable to turn off a vessel's engine whilst tied up in a lock.	No	The reason for turning off engines is to protect users of the lock from engine fumes in a restricted space.	
		11	Objection to having to report a collision on the water to CHA.	No	Byelaw for good management of vessels using the Bay.	
		15a	Considers the byelaw to be a restriction on working practice.	No	Permission to navigate a vessel in excess of 22 metres long will not be unreasonably withheld.	
		15e	Considers the byelaw to be a restriction on working practice.	Yes	Letter sent confirming Byelaw re-drafted.	12/11/07

Harbour Byelaws Comment and Change Register

Date received	Interested Party	Byelaw	Comment or Proposed Change	Changed approved (Y/N)	Comment	Amendment Date
		17	Request for clarity of Byelaw.	No	Letter sent to help with clarification.	
		24a	Statement regarding CHA insurance.	No	CHA have adequate insurance cover.	
		27c	Query on use of intercommunication on board vessel.	No	Letter sent to help with clarification.	
		29	Query on emergency working and notification.	No	Letter sent to help with clarification - Barrage Control available 24 hours.	
		42	Query on why permission required to trade on Cardiff Harbour Land.	No	Letter sent to help with clarification.	
		45	Query on road being within Cardiff Harbour.	No	Letter sent to help with clarification.	
		46	Query on the need to inform CHA of a road accident on CHA land.	No	Letter sent to help with clarification.	
		47a,b,c	Query on CHA right to require consent for a person/s to hold meetings etc on CHA land.	No	Letter sent to help with clarification.	
		48a	Query on CHA right to require consent for the display of bills, placards and notices on CHA land.	No	Letter sent to help with clarification.	
		49	Query on fine being issued by a Court.	No	Letter sent to help with clarification.	
30/10/07	Countryside Council for Wales		Highlighting Cardiff Harbour is located adjacent SPA, Ramsar site, cSAC, SSSI site – all important for conservation and scientific interest. Also attention drawn to Regulation 48 of Conservation Regulations 1994.	No	Letter sent acknowledging their concerns and interest have been taken into account.	

Harbour Byelaws Comment and Change Register

Date received	Interested Party	Byelaw	Comment or Proposed Change	Changed approved (Y/N)	Comment	Amendment Date
	Harbour Authority	14			Add unless a Person has written consent from the Authorised Officer.	19/11/07
	Harbour Authority	16			Authority changed to Authorised Officer.	19/11/07
	Harbour Authority	20			Harbour changed to Cardiff Harbour.	19/11/07

DRAFT



The County Council of the City and County of Cardiff

Cardiff Harbour Authority

DRAFT HARBOUR BYELAWS

**CARDIFF HARBOUR BYELAWS
(DRAFT)**

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CARDIFF HARBOUR BYELAWS (DRAFT)

The County Council of the City and County of Cardiff in exercise of the powers conferred by Section 16 of the Cardiff Bay Barrage Act 1993 and now vested in it by agreement made under Section 165 of the Local Government Planning and Land Act 1980 makes the following Byelaws:

Part 1 – Preliminary

Title and Commencement

1. These Byelaws may be cited as the Cardiff Harbour Byelaws 2007 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Welsh Ministers.

Application

2. These Byelaws apply throughout the inland Bay and the outer harbour as defined by the Cardiff Bay Barrage Act 1993 and as shown by the chart in Schedule 1 of these Byelaws.

Interpretation

3. The following words and expressions shall have the following meanings:

“**The Act**” means the Cardiff Bay Barrage Act 1993.

“**Aeration System**” means the system of underwater pipes, cables and other systems to protect and maintain the quality of water.

“**The Authorised Officer**” means the Harbour Master and Person authorised by Cardiff Council to act in that capacity.

“**The Authority**” means Cardiff Council acting as Harbour Authority for the inland bay and the outer harbour.

“**Barrage Control**” refers to the Authorised Officer supervising entry and exit from Cardiff Harbour.

“**Cardiff Council**” means the County Council of the City and County of Cardiff

“**Cardiff Harbour**” means the inland bay and the outer harbour as defined by the Cardiff Bay Barrage Act as shown by the chart in Schedule 1 of these Byelaws.

“**Consent**” means prior verbal consent by an Authorised Officer, save where these Byelaws expressly state that prior written consent is required.

“**Emergency**” means any sudden unforeseen occurrence requiring immediate action.

“**Fishing**” means fishing of any description, including fishing with rod and line, pole, set line, net, trap or trawling or any other device designed to catch fish, shellfish or crustaceans.

**CARDIFF HARBOUR BYELAWS
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“Houseboat” means any vessel which is primarily intended as a place of habitation (whether by day and night or one or the other) or as a place for accommodation or receiving persons for the purpose of shelter or as club premises, or as an office or as a kitchen or store place.

“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 ground, water or other surface beneath the vehicle.

“Hydrofoil” means a Vessel which has a structure attached to the hull of the Vessel that raises all or part of the hull out of the water when the Vessel is in motion.

“Master” means the Person who is responsible at the relevant time for the conduct or management of the Vessel or pontoon.

“Moored” when used in relation to a Vessel, or Pleasure Craft or pontoon means;

- (a) made fast to a mooring chain, mooring pile or mooring buoy either ahead or astern or both; or
- (b) secured alongside any other Vessel, or Pleasure Craft or pontoon so moored; or
- (c) secured both ahead and astern by anchors.

“Mooring” includes any berth, pile, pontoon or other like structure, anchor cable or other tackle intended for the securing of Vessels.

“Owner” when used in relation to a Vessel means any owner, part owner, lessee, broker, charterer (including but not limited to a charterer by demise), or mortgagee of the Vessel or agent or broker acting for or on behalf of any owner, part-owner, lessee, charterer or mortgagee in possession or other Person entitled to possession of the Vessel.

“Person” includes an individual, corporation, club, company, and any other legal entity.

“Pleasure Craft” means a canoe, windsurfer board, kite board, jet ski, water bike, rowing boat, water ski, wake board or dinghy sailing boat.

“Public Landing Space” means any quay owned by the Authority used for mooring, launching or recovery of Vessels.

“Quay” means any quay, wharf, jetty, dolphin, landing stage, slipway or other structure used for berthing or mooring Vessels and includes any pier, bridge, roadway or footway adjacent and affording access thereto.

“Under Way” means when the Vessel or Pleasure Craft is not at anchor or moored or made fast to the shore or aground, and includes a vessel which is dragging her anchor on the ground.

“Vehicle” means any machinery on wheels or caterpillar tracks, trailers, caravans, mobile homes, hovercraft or any amphibious vehicle.

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“Vessel” means every description of vessel (whether with or without means of propulsion of any kind) and includes anything constructed or used to carry persons, goods or plant or machinery by water, or constructed to be propelled or moved on water, a seaplane on or in the water and a hovercraft (within the meaning of the Hovercraft Act 1968).

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Part 2 - Navigation

Responsibility for Navigation

4. The Master of a Vessel or user of Pleasure Craft shall not cause or permit the Vessel or Pleasure Craft to be moved, navigated, moored, anchored, beached, secured or used in any other manner in Cardiff Harbour whilst in an unsafe or unseaworthy condition except as is necessary for the Vessel's or Pleasure Craft's safety or that of the crew.

Vessels and Pleasure Craft to Navigate with Care

5. The Master of a Vessel or user of Pleasure Craft in the Cardiff Harbour shall navigate or use the Pleasure Craft with care and consideration and in such a manner and at such a speed that shall not:
- (a) cause nuisance, annoyance or excessive wash, or
 - (b) cause damage or injury or danger of damage or injury to any other Vessel, or Pleasure Craft, Person or property in Cardiff Harbour

Obstructions

6. The Master of a Vessel or user of Pleasure Craft:
- (a) which is adrift, missing from Moorings, in danger of sinking, grounding or has sunk or become grounded, or
 - (b) which is towing or manoeuvring another Vessel or Pleasure Craft which sinks, or
 - (c) which gives rise to an obstruction to navigation

shall notify the Authorised Officer as soon as practicable and provide full written details including the position of the Vessel or Pleasure Craft and other information the Authorised Officer may require.

Entry and exit from the inland bay and the outer harbour

7. The Master of any Vessel or user of Pleasure Craft shall not enter or exit the lock without Consent from Barrage Control.
8. The Master of a Vessel or user of Pleasure Craft shall:
- (a) observe and comply with Barrage Control instructions

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- (b) comply with the traffic lights at Barrage Control in accordance with the following provisions:
 - (i) When three green lights are shown the Vessel or Pleasure Craft shall proceed into the lock indicated beneath the lights
 - (ii) When three red lights are shown the Vessel or Pleasure Craft shall not proceed into the lock
 - (iii) When the middle light shows 'white' and upper & lower lights show green the Vessel or Pleasure Craft shall only enter a lock on instruction from Barrage Control
 - (c) not exit the lock other than when the lock gates are fully open
 - (d) join the end of any queue and shall not attempt to enter the locks until three green lights are shown, or under the direction of Barrage Control.
9. Masters on board Vessels or users of Pleasure Craft approaching the locks must:
- (a) have appropriate bow and stern lines at the ready, have any fenders outboard and navigate as far forward as practically possible
 - (b) use VHF Ch. 18 to contact the Barrage Control or telephone 029 2070 0234
 - (c) use VHF Ch. 18 for a listening watch
 - (d) when tied up during locking operations, the Master shall ensure that any engines operated on the Vessel are turned off.

Lock Ladders

10. No Person other than an Authorised Officer may use the lock ladders except in the case of Emergency or with permission from Barrage Control.

Collision - Reporting to the Authority

11. The Master of any Vessel or user of Pleasure Craft or Owner of a Mooring involved in a collision causing any damage with any other Vessel or Pleasure Craft or structure in Cardiff Harbour shall report the incident to the Authorised Officer as soon as reasonably practicable.
12. The Master of a Vessel or user of Pleasure Craft which has collided with or cut adrift a navigation mark or buoy or which by reason of accident, fire, defect or otherwise is in such condition as to affect its safe navigation or to give rise to danger to other Vessels or Pleasure Craft shall report to the Authorised Officer as soon as reasonably practicable and provide full details in writing.

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Vessels and Pleasure Craft Under Way

13. The Master of a Vessel and user of Pleasure Craft when Under Way shall ensure that the Vessel or Pleasure Craft are navigated, manoeuvred and moored safely.

Speed of Vessels and Pleasure Craft

14. Except for the safety of the Vessel or Pleasure Craft the Master or user shall not cause or permit the Vessel or Pleasure Craft to exceed the speed limits indicated by buoyage limit markers and those given by Notices to Mariners unless the vessel has written consent from the Authorised Officer.

Restriction of Certain Vessels and Pleasure Craft

15. (a) No Vessel exceeding 22 metres overall length, shall navigate in Cardiff Harbour without prior written consent of the Authorised Officer.
- (b) No Hovercraft shall navigate in Cardiff Harbour without prior written consent from the Authorised Officer.
- (c) No Hydrofoil craft shall navigate foil-borne in Cardiff Harbour without prior written consent from the Authorised Officer.
- (d) No seaplane or flying boat shall navigate in, alight on or take off from the waters of Cardiff Harbour without prior written consent from the Authorised Officer.
- (e) Vessels plant or any other floating object that normally does not have the ability to steer when underway shall require consent from the Authorised Officer to navigate either by towing on the water or any other means when navigating within Cardiff Harbour.

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Part 3 – Anchorage, Launching and Mooring of Vessels

Launching of Vessels and Pleasure Craft

16. Vessels or Pleasure Craft must not be launched from a Public Landing Space without Consent of the Authorised Officer.

Regulation of Public Landing Space

17. Vessels or Pleasure Craft carrying fare paying passengers shall only embark or disembark passengers at a Quay and with the prior written consent from the Authorised Officer.
18. The Master of a Vessel or user of Pleasure Craft Under Way shall not obstruct access to any Public Landing Space and shall not leave the Vessel or Pleasure Craft unattended at a Public Landing Space without the Consent of the Authorised Officer who may remove any Vessel, Vehicle, trailer or any other item that obstructs access to a Public Landing Space.

Protection of Harbour Authority Equipment

19. (a) No Person shall anchor, moor, lay or raise ground mooring tackle that is likely to foul any of the equipment or pipe work that comprises the Aeration System laid on the bed of the Cardiff Harbour.
- (b) No Person shall obstruct or interfere with any Authority buoys, Moorings or equipment within the Cardiff Harbour.
- (c) The Master of any Vessel or user of Personal Watercraft which fouls the equipment or pipe work of the Aeration System must notify the Authorised Officer as soon as practicable and provide the Authorised Officer of the chart position of the interference and any further information the Authorised Officer may require.

Conduct of regattas, etc.

20. All races and similar events within Cardiff Harbour shall be conducted in accordance with conditions agreed with the Authorised Officer.

Anchorage

21. No Vessel or Pleasure Craft shall anchor, moor or remain on swinging grounds within Cardiff Harbour unless prior written consent from the Authorised Officer is obtained.

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Vessels to be properly berthed

22. The Owner and the Master of a Vessel or user of Pleasure Craft where applicable shall ensure that their Vessel or Pleasure Craft is provided with sufficient number of fenders and lines for its size to ensure that the Vessel or Pleasure Craft while alongside or letting go from a visitors Mooring or a permanent Mooring in Cardiff Harbour shall not cause damage or danger to any other Vessel or to the Mooring.

Moorings, Buoys and other tackle

23. (a) No Mooring, buoy or other tackle shall be laid or maintained in Cardiff Harbour without the prior written consent of the Authorised Officer.
- (b) Any unauthorised Mooring, buoy or other tackle may be removed by the Authorised Officer.

Removal of Vessels

24. (a) In the event of an Emergency or to avoid damage or injury to any Person, Vessel, Pleasure Craft, Mooring or other property in Cardiff Harbour the Authorised Officer may move, remove or arrange the movement or removal of a Vessel, Pleasure Craft or Mooring.
- (b) Where a Vessel or Pleasure Craft or Mooring is removed by the Authorised Officer, the Authorised Officer shall inform the Owner or Master of the Vessel or user of Pleasure Craft or Mooring of its removal and its new position as soon as reasonably practicable.

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Part 4 – General

Mooring Licence

25. (a) The Owner of any Vessel Moored in Cardiff Harbour must obtain a mooring licence from the Authorised Officer before mooring for more than 28 days.
- (b) The Owner of a Vessel must ensure that the Vessel's name or number and mooring licence disc is clearly visible and in a prominent position on board the Vessel that the licence refers to.
- (c) Owners of Vessels and users of within Cardiff Harbour are required to possess third party insurance and at the request of the Authorised officer provide proof of such within 24 hours.

Inspection

26. The Owner of a Vessel shall when so required by the Authorised Officer in the exercise of his or her duties afford every reasonable facility to allow access to any part of the Vessel or Mooring for its inspection and examination by the Authorised Officer

Silencers, Sirens & Noise

27. (a) Without prior written consent from the Authorised Officer a Vessel or Pleasure Craft must not be used in Cardiff Harbour unless the engine is fitted with a silencer suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of exhaust gas from the engine.
- (b) No Person shall sound or use or cause or permit to be sounded or used in Cardiff Harbour a siren, steam hooter, fog horn, distress rocket, or other instrument or appliance for producing alarm signals on any occasion or for any purpose other than in connection with navigation, distress or race control.
- (c) No Person shall use any electrical or musical equipment resulting in the broadcasting or transmission of any noise, speech or sound to give cause for annoyance to any reasonable Person without prior written consent of the Authorised Officer.

Waterborne Activities

28. No Person shall use a Pleasure Craft within Cardiff Harbour without the Consent of the Authorised Officer.

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29. No Person shall engage in scuba diving or other underwater operations within Cardiff Harbour without the prior written consent of the Authorised Officer.
30. No swimming is permitted in Cardiff Harbour without the Consent of the Authorised Officer.

Breaking up of Vessels

31. No Vessel shall be broken up, set fire to or destroyed in Cardiff Harbour except with the prior written consent of the Authorised Officer.

Fishing

32. Fishing is prohibited within the area of Cardiff Harbour without a fishing licence issued by the Authority and the fishing licence holder shall not fish other than in those areas specified in the licence.
33. No Person shall dig for any form of fishing bait.

Lights & Fires

34. No searchlights, floodlights or other similar bright lights or pyrotechnics, other than those used for safe navigation or indicating Emergency or distress shall be used without the Consent of the Authorised Officer.
35. Open fires of any description are prohibited in Cardiff Harbour without the prior written consent from the Authorised Officer.

Dredging and Structures

36. No Person shall build or cause to be built any structure, nor lay or drive any Mooring or stake nor carry out any dredging operations without the Consent of the Authorised Officer.

Dragging or grappling

37. No grappling or dragging for any material or article from the beds of the waters of Cardiff Harbour is allowed without the prior written consent of the Authorised Officer.

Throwing Stones etc

38. No Person shall throw stones or other missiles or use a catapult in Cardiff Harbour.

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Abandonment and repair of Vessels

39. No Person shall lay up a Vessel or Pleasure Craft on the land within Cardiff Harbour for repair in Cardiff Harbour without the prior written consent from the Authorised Officer.

Navigation under influence of drinks and drugs

40. No Person shall navigate any Vessel or use Pleasure Craft whilst under the influence of drink or drugs whereby they are unable to take proper control of the Vessel.

Houseboats

41. Houseboats are only permitted in Cardiff Harbour with the prior written consent from the Authority.

Unauthorised trading or commercial activity

42. No Person shall engage by way of trade, in buying or selling of any goods or property or conduct or participate in any other commercial activity in Cardiff Harbour without the written prior consent of the Authority.

Notification of outbreak of fire

43. In case of an outbreak of fire on board a Vessel the Master or Persons onboard the Vessel or Pleasure Craft shall:
- (a) take immediate action with the Vessel or Pleasure Craft fire fighting equipment to extinguish the fire (unless it is too dangerous to do so); and
 - (b) ensure that the Fire Brigade and the Authorised Officer are notified as soon as possibly on discovery of the fire; and
 - (c) if possible, give a continuous warning by sounding the Vessel or Pleasure Craft siren, whistle or horn.

Vehicles

44. A Person shall not without the permission of the Authorised Officer park or leave a Vehicle in any place or part of Cardiff Harbour other than a designated parking space or car park.

**CARDIFF HARBOUR BYELAWS
(DRAFT)**

45. A driver of a Vehicle or other Person having charge of a Vehicle within Cardiff Harbour shall at all times comply with any directions given by the Authorised Officer.
46. The driver of any Vehicle involved in an accident on the highways under the control of the Authority and within Cardiff Harbour causing injury to any Person or animal or any damage to property shall report the matter to the Authorised Officer as soon as practical.

Prohibition of Meetings

47. Persons who want to:
- (a) organise or take part in any general or open meeting, demonstration, parade, rally or sit-in; or
 - (b) deliver an address to an audience; or
 - (c) gather or collect together any Persons;
- within Cardiff Harbour must obtain, at least 7 days prior to the proposed date of the event, written consent from the Authorised Officer.

Prohibition on Bills, Placards, Notices

48. (a) Except with the prior written consent of the Authorised Officer no Persons shall within Cardiff Harbour publicly exhibit, display, or show any bill, placard, or notice or distribute any leaflet, pamphlet or circular nor attach any such document to or write upon any part of the premises or land within Cardiff Harbour .
- (b) If the Authority so directs the Person responsible for any breach of byelaw 48(a) must remove the same from the Cardiff Harbour within 5 working days

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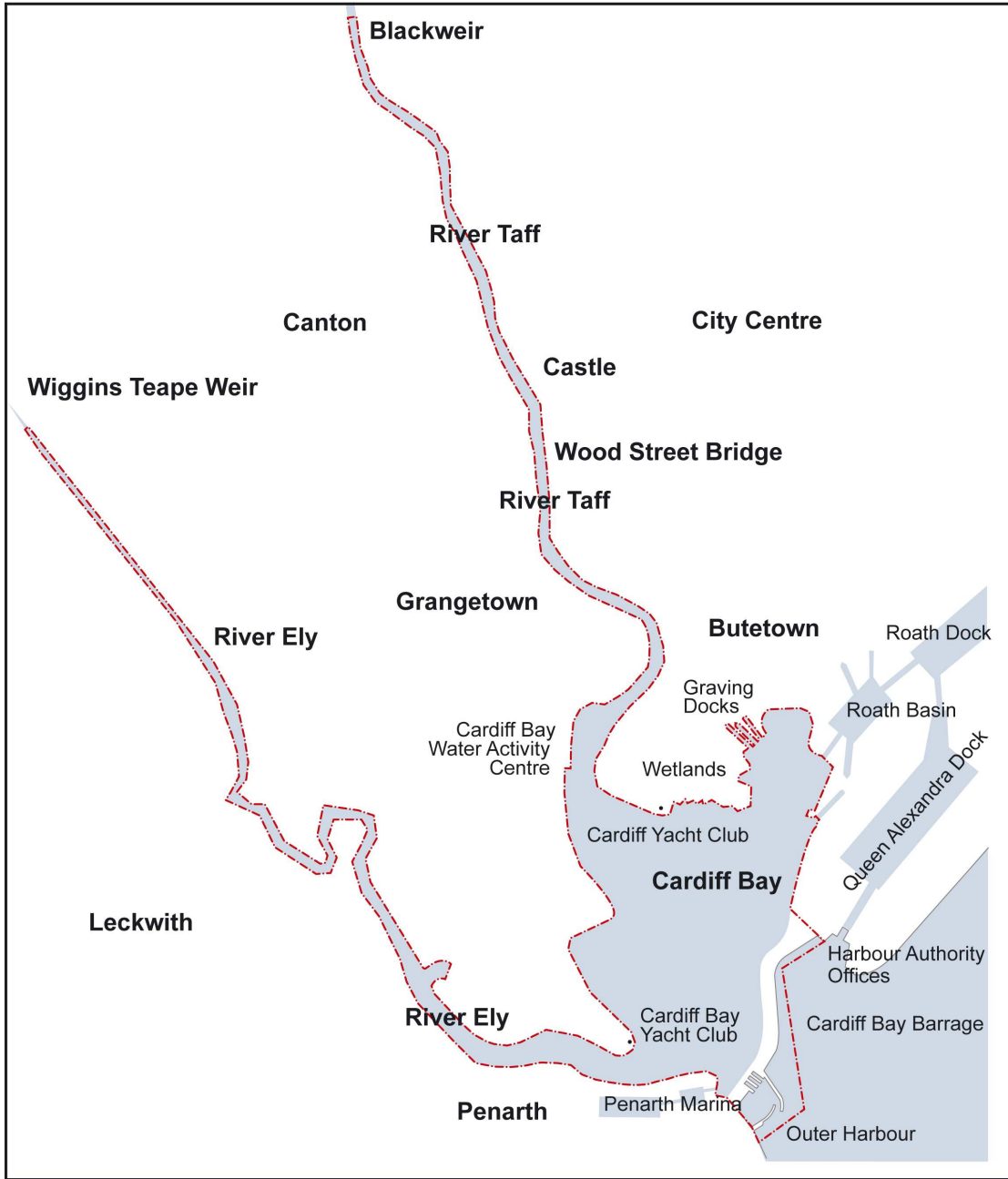
Part 5 – Penalties

49. Any Person who contravenes or fails to comply with any of these byelaws shall be guilty of an offence.
50. A Person guilty of any such offence shall be liable on summary conviction-
- (a) to a fine not exceeding level 3 on the standard scale, and
 - (b) in the case of a continuing offence, to a fine not exceeding £40 for each day on which the offence continues after conviction.

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**CARDIFF HARBOUR BYELAWS
(DRAFT)**

Schedule 1 – The Inner Bay and Outer Harbour



**CARDIFF HARBOUR BYELAWS
(DRAFT)**

The Welsh Ministers hereby confirm the foregoing byelaws

[Name

Position

Authorised to sign by the Welsh Ministers

Date]