

## CHAPTER 30.

## HARBOURS.

AN ORDINANCE TO AMEND THE LAW RELATING  
TO HARBOURS.2 of 1902.  
39 of 1949.

[26th March, 1902.]

1. This Ordinance may be cited as the Harbour Ordinance. Short title.
2. In this Ordinance—
  - “Harbour Master” means any person lawfully performing the duties or acting under the orders of the Harbour Master. Interpretation.
  - “Vessel” includes every description of ship other than a boat.
  - “Harbour” means the landlocked water lying to the west and south-west of a line drawn from Cape Pembroke to Port William Point, and any port hereafter defined and declared a harbour by the Governor in Council.
  - “Boat” includes lighter, barge, hulk, or any open or partly decked craft.
3. The Governor in Council may make regulations: Regulations.
  - (a) for the preservation of any port, harbour, roadstead, wharf, landing place, or beach, for the safe and commodious navigation of any harbour, and for the maintenance of good order therein.
  - (b) respecting the anchoring, mooring and removing of vessels, hulks, boats and buoys; the packing, landing, deposit or removal of gunpowder and other dangerous goods; the watering, coaling, ballasting, deballasting, loading and discharging of ships; the order and management of vessels and boats within the waters of the Colony, and the loading, landing and disposition of cargo;
  - (c) respecting the numbering and marking and traffic of boats;

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.), and is deemed to have applied to the Dependencies since 1st January, 1948.]

- (d) respecting the rates to be charged by boats, and the fees to be paid under this Ordinance;
- (e) fixing the penalties for the breach of any regulation made under this Ordinance;
- (f) requiring the deposit of a ship's papers with the Collector of Customs.

Harbour  
Master  
may be  
appointed.

4. The Governor may from time to time appoint a Harbour Master and a Deputy Harbour Master for any port, and make regulations respecting their duties.

Orders he  
may issue.

5. The Harbour Master may order the master of any vessel, boat or hulk—

- (a) to shift the berth of such vessel, boat or hulk to any place other than where such vessel, boat or hulk may be lying at the time of making such order;
- (b) to make in writing or otherwise any declaration upon any subject in connection with his vessel or the cargo and crew thereof.

Any person receiving such order who shall refuse or neglect to comply with such order with all convenient speed shall be liable to a fine not exceeding £20.

False  
declaration.

6. Any person signing a declaration required by this Ordinance, or by any regulation made under this Ordinance, containing any wilfully false, misleading or inaccurate statement, shall be liable to a fine not exceeding £50.

No person to  
board before  
pratique.

7. Any person receiving anything from any vessel arriving from ports beyond the seas, and any unauthorised person other than the pilot boarding or leaving, or making fast to any vessel before she has received pratique and hoisted the commercial code letter "N" at the mast head shall be liable to a fine not exceeding £5.

Interfering  
with Har-  
bour Master.

8. Any person interfering with the Harbour Master in the due execution of his duty so as to resist or impede him in the proper performance thereof shall be liable to a fine not exceeding £50.

Damaging  
moorings,  
etc.

9. Any person who shall wilfully and unlawfully cut, break, destroy, damage or remove, except for the purposes of this Ordinance, the mooring or fastening of any vessel,

boat or hulk, or any sea mark, shall be liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding £10 or both such fine and imprisonment, and such penalties shall not be a bar to, or prejudice any action at law which may be brought by any person who has suffered injury or loss.

**10.** Any person who shall oppose or impede the execution on board any vessel of any warrant or other legal process shall be liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £50 or both such fine and imprisonment. Impeding legal process.

**11.** Where any vessel or boat is sunk, stranded or abandoned in any harbour or tidal water, or in or near any approach thereto, in such a manner as, in the opinion of the Governor in Council, to be an obstruction or a danger to navigation, the Harbour Master may— Removal of wreck.

- (a) take possession of and raise, remove or destroy the whole or any part of the vessel or boat; and
- (b) light or buoy any such vessel or boat or part until the raising, removal or destruction thereof; and
- (c) deliver to the owner on demand and on payment of all expenses incurred, or in the absence of such demand and payment sell, in such manner as he shall think fit, any vessel or boat or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto, and deposit in the Treasury the surplus (if any) of the proceeds in trust for the persons entitled thereto:

Provided that the Harbour Master shall be entitled to recover from the owner of anything raised, removed or destroyed or sold under this section all expenses incurred by him in relation thereto in excess of the proceeds of such sale.

**12.** (1) The Master of a vessel or boat from which any anchor, cable, cargo or ship's apparel is slipped or lost in any harbour shall immediately buoy the spot and send to the Cable, cargo, etc., lost to be buoyed.

Harbour Master a full report in writing of such loss and of the position of such buoy, and any master making default in obeying the provisions of this section shall be liable to a fine not exceeding £50.

(2) Any expenses incurred by the Government in raising or removing anything lost in the harbour may be recovered by summary procedure from the master of the vessel to which it belonged.

When owner,  
agent, etc.  
liable.

13. In the absence of the master, or if the master shall depart from the Colony before repaying such expenses the owner, agent and consignee of such vessel at the time such anchor, cable, cargo or apparel was lost shall be liable to repay such expenses to the Government.

Anchors  
found.

14. Any person finding or taking up any derelict anchor or chain shall immediately deliver the same to the Harbour Master.

Explosives,  
regulations  
as to.

15. The master of any vessel or boat having gunpowder or other explosives on board shall comply with the following conditions:

- (a) if such vessel or boat be laden with more than fifty tons of explosives, or if, having more than one ton of explosives on board, she be laden also with coal, petroleum or any such inflammable cargo, he shall not enter the inner harbour of Stanley until such explosives have been deposited in the magazine or otherwise disposed of as the Governor may in writing sanction;
- (b) if she be laden with an inflammable cargo and not having more than one ton of explosives, and if she be laden with a properly stowed general cargo and not having more than fifty tons of explosives, he may anchor in the inner harbour to the east of the Narrows;
- (c) while taking in or discharging any explosives he shall fly flag "B" of the International Code.

Penalty for  
violating.

16. Any person who wilfully violates the provisions of the preceding section, and any person who knowingly and wilfully authorises or permits any such violation, shall be

liable to imprisonment for a term not exceeding one year or to a fine not exceeding £100 or to both such fine and imprisonment.

17. If any information shall be given upon oath to any justice that there is reasonable cause to suspect that any unlawful quantity of explosives is on board any merchant vessel in the inner harbour of Stanley, he may by warrant direct any constable at any time to enter and search any such vessel, and any such constable (having previously made known his authority) may either alone or with such assistance as he may deem necessary enter and search any such vessel and seize and remove to the proper place any unlawful quantities of explosives found on such vessel, and if necessary use force to execute any such warrant.

Search for  
explosives

18. The master of any vessel (except a vessel of war) who shall in any harbour keep or cause or permit to be fired any cannon on board, loaded with ball, shall be liable to a fine not exceeding £50.

Loaded  
cannon.

19. Any person who takes or removes any sand, stone or gravel from a harbour or the beach thereof without the permission in writing of the Harbour Master, shall be liable to a fine not exceeding £50.

Sand,  
removal of.

20. The master of any vessel from which any ashes, ballast, damaged goods, dead animal or cargo are thrown into any harbour shall be liable to a fine not exceeding £50.

Master liable  
as to rubbish,  
etc., thrown  
into harbour.

21. Any person who throws into a harbour or on the beach or any public jetty any dead animal, ballast, damaged goods, rubbish, night soil or other material shall be liable to a fine not exceeding £5:

Other  
persons  
liable, ditto.

Provided that nothing herein contained shall prevent the deposit of rubbish at any spot where an official notice shall be posted sanctioning such deposit, and subject to the conditions laid down in such notice.

22. Any person engaged in removing, or being in a boat containing, gunpowder who shall have in his possession any matches or means for making fire or shall smoke shall be liable to a fine of £5.

Gunpowder:  
offences.  
39 of 1949.

Taking boat  
without  
owner's per-  
mission.

23. Any person who shall take, use or cause to be taken or used, without the consent of the owner, any boat in any harbour shall be liable to a fine not exceeding £10 and such sum as the Court shall award for the loss, use of, or damage to such boat.

Regulations:  
penalty for  
breach of,

24. Any person offending against any regulation made under this Ordinance shall be liable to a fine not exceeding the sum fixed in such regulations and not more than £20.