
HARBOURS.

Ordinance No. 2 of 1902.

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. In this Ordinance—

Interpretation.

“ Harbour Master ” shall mean any person lawfully performing the duties or acting under the orders of the Harbour Master.

“ Vessel ” shall include every description of ship other than a boat.

“ Harbour ” shall mean the landlocked water lying to the west and south west of a line drawn from Cape Pembroke to William Point, and any port hereafter defined and declared a harbour by the Governor in Council.

“ Boat ” shall include lighter, barge, hulk, or any open or partly decked vessel.

2. The Governor in Council may from time to time make, alter or revoke 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.

(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.

3. 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.

4. 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 penalty not exceeding twenty pounds.

False declara-
tion.

5. 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 penalty not exceeding fifty pounds.

No person to
board before
Harbour
Master.

6. Any person receiving anything from any vessel, arriving from ports beyond the seas, and any 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 penalty not exceeding five pounds.

Interfering with
Harbour
Master.

7. 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 penalty not exceeding fifty pounds.

8. 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, with or without hard labour, and to a fine not exceeding ten pounds in lieu of or in addition to such 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.

Damaging
moorings, etc.

9. 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, with or without hard labour, and to a fine not exceeding fifty pounds in lieu of or in addition to such imprisonment.

Impeding legal
process.

10. The owner of any vessel or boat sailing out of any port which has not cleared for any place beyond the limits of the Colony shall, either before or within forty-eight hours after such sailing, deliver to the Harbour Master a list showing the name and description of the vessel or boat, the names of the person in charge and of the crew, and the destination and business on which the vessel is engaged, and shall subscribe thereto his name, and if such owner shall not by himself or his agent deliver such report, or shall wilfully or knowingly deliver any account untrue in any of the particulars hereinbefore required he shall be liable to a penalty not exceeding twenty pounds.

Coasting vessels
to report.

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, destroyed or sold under this section all expenses incurred by him in relation thereto in excess of the proceeds of such sale.

Cable, cargo,
etc., lost to be
buoyed.

12. 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 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 incur a penalty not exceeding fifty pounds.

Recovery of
expenses as to.

13. 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.

14. In the absence of the master, or if such master shall depart from the Colony before repaying such expenses as are mentioned in the preceding section, 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.

15. Any person finding or taking up any derelict anchor or chain shall immediately deliver the same to the Receiver of Wreck. Anchors found.

16. The master of any vessel or boat having gunpowder or other explosives on board shall comply with the following conditions, namely :— Explosives,
regulations as
to.

(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.

17. 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, on summary conviction, to imprisonment for a term not exceeding one year, and to a fine not exceeding one hundred pounds in lieu of or in addition to such imprisonment. Penalty for
violating.

18. 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 Search for
explosives.

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.

Loaded cannon.

19. 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 penalty not exceeding fifty pounds.

Sand, as to removal of.

20. 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 penalty not exceeding five pounds.

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

21. 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 penalty not exceeding fifty pounds.

Other persons liable ditto.

22. Any person who throws into a harbour or on the beach thereof any dead animal, ballast, damaged goods, rubbish, night soil or other material shall be liable to a penalty not exceeding five pounds :

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.

Regulations, penalty for breach of.

23. Any person offending against any regulation made under this Ordinance shall be liable to a penalty not exceeding the sum fixed in such regulations and not more than twenty pounds.

Short title.

24. This Ordinance may be cited as "The Harbour Ordinance, 1902."