



# Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

## *Byelaws*

And with respect to the byelaws to be made by the undertakers, be it enacted as follows:

**83 Byelaws may be made for all or any of the purposes herein named.**

[<sup>F1</sup>The undertakers may from time to time make such byelaws as they shall think fit for all or any of the following purposes; (that is to say,)

For regulating the use of the harbour, dock, or pier:

For regulating the exercise of the several powers vested in the harbour master:

For regulating the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and government of such vessels whilst within the harbour or dock, or at or near the pier:

For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the harbour, dock, or pier, and the premises of the undertakers:

For regulating (with the consent of the Commissioners of her Majesty's [<sup>F2</sup>Customs and Excise] the hours during which the gates or entrances or outlets to the harbour, dock, or pier shall be open:

For regulating the duties and conduct of all persons, as well the servants of the undertakers as others, not being officers of [<sup>F2</sup>the Customs and Excise], who shall be employed in the harbour, dock, or pier, and the premises of the undertakers:

For regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any):

For preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers:

For regulating the use of the cranes, weighing machines, weights and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them:

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For regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same:

And the undertakers may from time to time, as they shall think fit, repeal or alter any such byelaws: Provided always, that such byelaws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or the provisions of this or the special Act; and such byelaws shall be reduced into writing, and have affixed thereto the common seal of the undertakers, if they be a body corporate, or the signatures of the undertakers, or two of them, if they be not a body corporate, and, if affecting other persons than the officers or servants of the undertakers shall be confirmed and published as herein provided.]

#### Textual Amendments

- F1** Ss. 83-90 cease to have effect in part (N.I.) (9.6.2010) by virtue of [The River Bann Navigation Order \(Northern Ireland\) 2010 \(S.R. 2010/126\)](#), arts. 1(1), 4
- F2** Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

#### Modifications etc. (not altering text)

- C1** S. 83 incorporated (E.W.S.) (27.2.2008) by [Port of Weston Harbour Revision Order 2008 \(S.I. 2008/230\)](#), arts. 1, 6(1)
- C2** S. 83 extended (S.) by [Harbours, Piers and Ferries \(Scotland\) Act 1937 \(c. 28\)](#), s. 11  
S. 83 incorporated in part and for certain purposes (with modifications)(19.8.1996) by [S.I. 1996/2103](#), art. 3(1)-(9)

### 84 Byelaws may be enforced by imposition of penalties.

[<sup>F1</sup> The undertakers may, by the byelaws so to be made by them, impose such reasonable penalties as they shall think fit, not exceeding [<sup>F3</sup> level 3 on the standard scale ] for each breach of such byelaws <sup>F4</sup> . . . ]

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- F3** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G
- F4** Words in s. 84 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.I](#)

### 85 No byelaws to come into operation until allowed in the manner prescribed, and approved by one of the judges.

[<sup>F1</sup> No byelaws made under the authority of this or the special Act, except such as relate solely to the undertakers or their officers or servants, shall come into operation until the same be confirmed in the prescribed manner, and if no manner of confirmation be prescribed, then not until they be allowed by some judge of one of the superior courts, or in . . . <sup>F5</sup> Ireland by the justices at the quarter sessions, or in Scotland by the sheriff; and it shall be incumbent on such justices or sheriff, on the request of the undertakers, to inquire into any byelaws tendered to them for that purpose, and allow or disallow of the same, as they shall think meet. ]

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- F5** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

### 86 Notice of allowance of byelaws to be given in one or more newspapers.

[<sup>F1</sup>Provided always, that no such byelaws shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in one or more newspapers of the county in which the harbour, dock, or pier, or the principal office thereof, is situate, one month at least before the hearing of such application; and any person desiring to object to any such byelaw, on giving to the undertakers notice of the nature of his objection, ten days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.]

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### 87 A copy of proposed byelaws to be open to inspection.

[<sup>F1</sup>For one month at least before any such application for confirmation of any byelaws, a copy of the proposed byelaws shall be kept at the principal office of the undertakers; and all persons may, at all reasonable times, inspect such copy, without fee or reward, and the undertakers shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of [<sup>F6</sup>2½p] for every one hundred words so to be copied.]

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- F6** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), [s. 10\(1\)](#)

### 88 Publication of byelaws.

[<sup>F1</sup>The said byelaws when confirmed shall be published in the prescribed manner, and when no manner of publication is prescribed they shall be printed, and the clerk to the undertakers shall deliver a printed copy thereof to every person applying for the same, without charge, and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of the office of the undertakers, and also on some conspicuous part of the harbour, dock, or pier, and such boards, with the byelaws thereon, shall be renewed from time to time, as occasion shall require, and shall be open to inspection without fee or reward; and in case the said clerk shall not permit the same to be inspected at all reasonable times, he shall for every such offence be liable to a penalty not exceeding [<sup>F7</sup>level 1 on the standard scale].]

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**F8** 89 .....

**Textual Amendments**

- F8** S. 89 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group1

**90 Proof of publication of byelaws.**

[<sup>F1</sup> The production of a written or printed copy of the byelaws requiring confirmation by a judge of the superior courts . . . <sup>F9</sup> or the sheriff, authenticated by the signature of the judge . . . <sup>F9</sup> or the sheriff who shall have approved of the same, and a written or printed copy of the byelaws not requiring such confirmation, authenticated by the common seal of the undertakers, if incorporated, or under the hands of the undertakers, if not incorporated, or any two of them, shall be evidence of the existence and due making of such byelaws in all cases of prosecution under the same, without proof of the signature of such judge . . . <sup>F9</sup> or sheriff, or the common seal or signature of the undertakers; and with respect to the proof of the publication of any such byelaws, it shall be sufficient to prove that a board containing a copy thereof was put up and continued in manner by this Act directed, and, in case of its afterwards being displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of such byelaws, or was not duly put up or continued as directed by this Act. ]

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- F9** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

**91** ..... <sup>F10</sup>

**Textual Amendments**

- F10** S. 91 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

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