



City and County of the City of Exeter

HARBOUR BYE-LAWS

Petroleum (Consolidation) Act, 1928

BYE-LAWS

Made by the Mayor, Aldermen and Citizens of the City and County of the City of Exeter with respect to the discharging, loading, etc., of Petroleum Spirit and Carbide of Calcium at Exeter Harbour.

1. *Application.* These Bye-laws shall apply to so much of the Harbour of Exeter within the jurisdiction of the Mayor, Aldermen and Citizens of the City and County of the City of Exeter as is set forth in the Schedule hereto, and is hereinafter referred to as the Harbour. Such Bye-laws shall come into operation on the expiration of fourteen days after the date of the confirmation thereof by the Minister of Transport, as from which date all previously existing Bye-laws under the Petroleum Acts relating to the Harbour are hereby revoked.

2. *Interpretation.* The expressions contained in these Bye-laws shall have the meanings respectively assigned to them in the Petroleum (Consolidation) Act, 1928, and in this Bye-law.

'Petroleum Spirit' shall have the meaning assigned to it in Section 23 of the Petroleum (Consolidation) Act, 1928.

'Petroleum Ship' shall mean any ship having on board or about to take on board a cargo the whole or any part of which consists of Petroleum Spirit, or having discharged Petroleum Spirit if the holds and tanks have not been rendered free from inflammable vapour to the satisfaction of the Harbour Master.

'Owner' shall mean the Owner or Master of the Petroleum Ship or the Owner of the Petroleum Spirit as the case may require.

'Harbour Master' shall mean the Harbour Master or other officer duly appointed by the Harbour Authority to act in such capacity or any person having authority so to act, and shall be deemed to include the Inspector of Petroleum of the City of Exeter for the time being so far as these Bye-laws apply to Petroleum Spirit within the City of Exeter or in course of conveyance along the Exeter Canal.

'Quay' shall mean any quay, pier, jetty, wharf, landing stairs, shore or other loading or discharging place within the Harbour.

PART I

PETROLEUM SPIRIT

3. *Red Flag or Light.* The Master of every Petroleum Ship shall, on entering the Harbour, and during the time that such ship remains in the Harbour, display by day a red flag not less than 3 feet square, with a white circular centre 6 inches in diameter, and by night a red light, at the mast head or where it can be best seen but not less than 20 feet above the deck and of such a character as to be visible all round the horizon at a distance of at least 2 miles, in addition

to any navigation lights which may be required by any other Regulations, Rules or Bye-laws.

Provided that in the case of a Petroleum Ship being a petroleum barge which cannot normally comply with this Bye-law the Master of such Petroleum Ship shall display by day in a conspicuous position above the deck a red flag of metal not less than 18 inches square with a white circular centre 6 inches in diameter and by night an all round red light.

4. *Notice.* The Owner of every Petroleum Ship, on entering the Harbour, shall without delay inform the Harbour Master of the quantity of Petroleum Spirit on his ship and of the manner in which such Petroleum Spirit is stowed, and this shall be deemed to be the notice to the Harbour Authority required by Section 8 of the Petroleum (Consolidation) Act, 1928.

5. *Berthing of Ship.* The Master of every Petroleum Ship shall anchor or moor his ship only at such place as the Harbour Master shall from time to time direct, and shall not remove his ship therefrom, without the permission or the written order of the Harbour Master.

6. *Loading or discharging of Petroleum Spirit.* The following requirements with respect to the loading or discharging of Petroleum Spirit within the Harbour shall be duly observed :—

(a) Before any Petroleum Spirit is loaded or discharged the Owner shall give due notice to the Harbour Master of the time and place of such loading or discharging.

(b) No Petroleum Spirit shall be loaded or discharged at any Quay other than such Quay as the Harbour Master shall from time to time direct.

(c) Before any Petroleum Spirit contained in casks, barrels or other containers, is discharged, the holds of a Petroleum Ship

having on board such containers shall be thoroughly ventilated. After all Petroleum Spirit has been removed from any Petroleum Ship, the holds and tanks shall be rendered free from inflammable vapour.

Provided that this Bye-law shall not be deemed to require to be free from inflammable vapour the tanks of a Petroleum Ship which leaves the Harbour without delay after the discharge of Petroleum Spirit, or remains only for the purpose of taking on board bunkers, stores or ballast, or for such other purposes as may be approved by the Harbour Master and of which the tanks are closed down immediately after the discharge of such Petroleum Spirit, and are not re-opened whilst the Petroleum Ship is within the Harbour, except with the permission of the Harbour Master.

(d) The rigging of hoses, the loading or discharging and the disconnecting of hoses shall not take place between sunset and sunrise unless approved by the Harbour Master and unless—

- (i) Adequate safe illumination is provided on board the ship, the equipment used for such illumination to be designed and constructed in accordance with Lloyd's Register of Shipping or other approved Classification Society's requirements in relation to the position in the ship in which it is installed and maintained in accordance with such requirements ; and/or
- (ii) Safe lighting in accordance with Bye-law No. 7 is provided on shore adequately to illuminate the ship when alongside the Quay.

Should anything occur during discharging or loading between sunset and sunrise to necessitate a repair to the plant pipes or connections or to interfere in any way with the uninterrupted discharging or loading of the Petroleum Spirit discharging or loading shall be temporarily suspended and not resumed until adequate safety measures have been taken.

(e) From the time when the holds or tanks of a Petroleum Ship are first opened for the purpose of loading or discharging Petroleum

Spirit until such time as all Petroleum Spirit shall have been loaded into or removed from such holds or tanks, and the holds or tanks shall have been securely closed down and, in the case of discharging, rendered free from inflammable vapour, as required by this Bye-law, there shall be no fire or artificial light on board such ship.

Provided that this Bye-law shall not prevent the use of lamps, heaters, cookers or other apparatus electric or otherwise, designed and constructed in accordance with Lloyd's Register of Shipping or other approved Classification Society's requirements in relation to the position in the ship in which it is installed, and maintained in accordance with such requirements, and provided also that this Bye-law shall not be deemed to prohibit the loading or discharging of a Petroleum Ship under conditions approved by the Harbour Master by means of steam from her own boilers, power generated on board by electrical plant or internal combustion engines, designed, constructed, installed, positioned and maintained in accordance with the requirements of Lloyd's Register of Shipping or other approved Classification Society's requirements.

(f) The Owner shall take adequate steps to prevent any person under his control from smoking at or near the place where Petroleum Spirit is being discharged or loaded, and to prevent any person engaged in such discharging or loading from carrying fusees, matches, or any appliance whatsoever for producing ignition.

(g) Petroleum Spirit contained in casks, barrels or other containers shall not be discharged or loaded in the Harbour, unless such containers are staunch and free from leakage and are of such strength and construction as not to be liable to be broken or to leak except in case of gross carelessness or extraordinary accident. Provided that any defective containers may be discharged with the approval of the Harbour Master and under such conditions as he may direct.

(h) All openings from cargo tanks to the atmosphere, except the gas escape line shall, save with the special permission of the Harbour Master, be kept closed during the loading or discharging of Petroleum Spirit on board a Petroleum Ship, except that ullage plugs or sighting ports may be removed for taking dips or samples, such ullage plugs or sighting ports to be closed immediately this has been done, unless such openings are adequately protected by strong non-corroding wire gauze which shall be kept clean and free from obstruction, of mesh not less than 28 to the linear inch and of gauge not less than 28 S.W.G. or other flameproof device approved by Lloyd's Register of Shipping or other approved Classification Society.

(i) All pipes and other appliances used in the loading or discharging of Petroleum Spirit in bulk shall be reasonably free from leakage. All pipe lines and hoses shall whilst rigged for loading or discharging Petroleum Spirit, be adequately and continuously earthed and kept constantly under supervision.

(j) When the discharging or loading of Petroleum Spirit has been commenced such discharging or loading shall be proceeded with with due diligence, and if it is discontinued the tanks and holds of the Petroleum Ship shall immediately be closed.

(k) No Petroleum Spirit contained in casks, barrels or other containers shall be discharged at any Quay until the ship or carriage by which the same is to be removed therefrom shall be at the place in readiness to receive the same, and all Petroleum Spirit discharged in the Harbour shall be forthwith removed therefrom, or to some duly licensed place of storage.

(l) No Petroleum Spirit shall be brought to the place of loading until the Petroleum Ship into which it is to be loaded is in readiness to receive the same.

(m) No Petroleum Spirit shall be discharged or allowed to escape into the waters of the Harbour.

(n) The Owner shall take all due precautions for the prevention of accident by fire in discharging or loading Petroleum Spirit.

(o) Iron or steel hammers or other instruments capable of causing a spark shall not be used for the purpose of opening or closing the hatches or tank lids of a Petroleum Ship.

7. *Fires, Lights and Electrical Apparatus not to be used on or near Quay.* Fires, Lights or electrical apparatus other than electric filament lamps or self contained electric lamps, heaters, cookers, or other types of safe apparatus, so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall not be used on or near the Quay at which Petroleum Spirit is being discharged or loaded, or upon which Petroleum Spirit is lying.

8. *Distance between Ships.* Two or more Petroleum Ships shall not, except for purpose of transshipment, lie within 100 feet of one another, unless, in the opinion of the Harbour Master, it is impracticable to maintain such distance.

9. *Watchman.* Every Petroleum Ship shall be watched by a competent person on board such ship until all Petroleum Spirit shall have been discharged or loaded and the holds or tanks securely closed and every Petroleum Ship shall at all times have on board a responsible person to carry out and give effect to the provisions of these Bye-laws.

10. *Fire-fighting appliances.* All Petroleum Ship and shore fire-fighting appliances shall be kept ready during the operation of loading and discharging Petroleum Spirit.

11. *Inspection.* The Owner shall, when so required by the Harbour Master, or other official authorised by the Harbour Authority, afford every reasonable facility to enable such official to ascertain whether these Bye-laws are duly observed.

PART II

CARBIDE OF CALCIUM

(which, under an Order in Council, dated the 5th November 1929, made under the Petroleum [Consolidation] Act, 1928, comes within the provisions of that Act).

12. *Notice.* The Owner or Master of every sea-going ship carrying a cargo, any part of which consists of Carbide of Calcium shall, on entering the Harbour immediately give notice of the nature of such cargo to the Harbour Master, and shall place or moor his ship in such place as the Harbour Master may direct ; and while any Carbide of Calcium remains on board, shall not remove his ship without the written permission of the Harbour Master.

13. *Ventilating Hold.* Every ship's hold in which Carbide of Calcium is present, and from which Carbide of Calcium is to be discharged in the Harbour, shall be efficiently ventilated from the time of entering the Harbour until all such Carbide of Calcium has been discharged or until the ship has left the Harbour ; and every ship's hold into which Carbide of Calcium is to be loaded shall be similarly efficiently ventilated from the time loading commences until the ship leaves the Harbour.

14. *Removal after Discharging.* All Carbide of Calcium discharged from any ship shall be removed without unnecessary delay to some duly licensed place of storage or beyond the limits of the jurisdiction of the Harbour Authority.

15. *Carbide of Calcium not to be brought to place of loading until ship is ready.* No Carbide of Calcium shall be brought to the place of

loading until the ship into which it is to be loaded is in readiness to receive the same.

16. *Conveyance in Closed Containers.* Carbide of Calcium shall be brought into the Harbour only in hermetically-closed metal containers of such strength and construction or so protected as not to be liable to be broken or to become defective or insecure in conveyance otherwise than by gross negligence or extraordinary accident.

17. *Where Package may be Opened.* No containers of Carbide of Calcium shall be opened within the limits of the jurisdiction of the Harbour Authority except in some licensed place of storage or with the written consent of the Harbour Master in such place as he may direct.

18. *Precaution against Water.* Every reasonable precaution shall be taken to prevent the contact of water or moisture with the Carbide of Calcium, and where such contact may have occurred, to prevent the gas evolved from being ignited.

19. *Watchman.* Every ship having Carbide of Calcium on board shall at all times whilst in the Harbour have on board a competent watchman and a responsible person to carry out and give effect to the provisions of these Bye-laws.

20. *Inspection.* The Owner or Master of the ship or the Owner of the Carbide of Calcium shall, when so required by the Harbour Master, or other official authorised by the Harbour Authority, afford every reasonable facility to enable such official to ascertain whether these Bye-laws are duly observed.

21. *Enforcement.* The Harbour Master shall have full authority to enforce the foregoing Bye-laws and to lay informations in respect of any breach thereof.

THE COMMON SEAL of the Mayor, Aldermen and Citizens of the City and County of the City of Exeter was hereunto affixed this sixteenth day of March 1951.



W. A. McSKIMMING,
Deputy Town Clerk.

The Minister of Transport hereby confirms the foregoing Bye-laws.

Signed on behalf of the Minister of Transport this 30th day of March 1951.

AUBREY CLARKE
Assistant Secretary.

SCHEDULE REFERRED TO IN THE FOREGOING BYE-LAWS

So much of the Harbour of Exeter as lies between the Checkstone Rock at or near the entrance to the River Exe and the weir known as Head Weir in the said River, including the Exeter Canal and Basin.

N.B.—The Petroleum (Consolidation) Act, 1928 (Section 7), provides as follows :—

(5) If it appears to a Harbour Master or to any person acting under the orders of a Harbour Authority that any ship or any Petroleum Spirit is in a place in which it ought not in accordance with any such Bye-laws as aforesaid, to be, he may cause it to be removed so as to be in conformity with the Bye-laws, and any expenses incurred by the Harbour Authority in connection with any such removal may be recovered summarily as a civil debt from the Owner of the ship or of the Petroleum Spirit, as the case may be.

(6) In the event of any contravention of the requirements of any Bye-law in force under this section, the Owner and Master of any ship in or in relation to which the contravention occurs, and, except in the case of a contravention in respect of the mooring of a ship, the Owner of any Petroleum Spirit in respect of which the contravention occurs, shall each be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds for every day on which the offence occurs or continues :—

Provided that it shall be a good defence to proceedings for any such offence to prove :—

- (a) if the proceedings are against the Owner or Master of a ship for an offence in respect of the loading or landing of Petroleum Spirit, that all reasonable means were taken by the Master to prevent the commission of the offence, and that the offence was not caused or facilitated by any act or neglect on the part of the Owner or of any person engaged or employed by the Owner or Master ; and
- (b) if the proceedings are against the Owner of Petroleum Spirit for an offence in respect of the loading or landing thereof, or in respect of any failure to observe precautions required to be observed with respect to ships carrying Petroleum Spirit whilst in harbour, that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him.

Copies of these Bye-laws may be obtained from the Harbour Master.