

FREEPORT HARBOUR RULES*S.I. 77/1968*

(SECTION 75(3))

[Commencement 12th December, 1968]

1. These Rules may be cited as the Freeport Harbour Rules. Citation.
2. In these Rules, unless the context otherwise requires — Interpretation.
 - “the Harbour” means the area for the time being declared by the Governor-General to be the private port at Hawksbill Creek under the provisions of paragraphs (16) and (17) of Clause 2 of the Agreement between the Grand Bahama Port Authority, Limited and the Governor of the Colony dated the 4th day of August, 1955;
 - “Harbour Police” means any supernumerary police officer who is also a member of the Grand Bahama Port Authority Security Division;
 - “master” when used in relation to any vessel, means the person (other than a licensed pilot) having the command or charge of the vessel for the time being;
 - “Port Authority” means the Grand Bahama Port Authority Limited;
 - “Port Director” means the person appointed to be or to act in the capacity of the Port Director under the provisions of rule 3 of these Rules and includes any member of his staff who is authorised by him to act on his behalf;
 - “vessel” means any craft of any kind, however propelled;
 - “water-ski” includes an aqua plane or similar device and the verb to “water-ski” and its participles shall be construed accordingly.
3. (1) Subject to the written approval of the Minister, the Port Authority may appoint a suitably qualified person to be Port Director for the purpose of controlling and administering the Harbour and carrying out such other duties in relation to the Harbour as may be assigned to him, and, subject as aforesaid, may appoint a suitably Appointment of Director.

qualified person to act in the capacity of Port Director during the temporary absence or illness of the Port Director or when, for any reason, there is no one holding that appointment.

(2) For the purposes of this rule, a person shall be deemed to be suitably qualified if he is conversant with maritime matters and possesses administrative and managerial knowledge and experience.

Use of the
Harbour.

4. (1) Save in case of emergency or distress, the owner, master or agent of any vessel desirous of using the facilities of the Harbour shall give due notice to the Port Director of his intention to do so, the nature and quantity of cargo (if any) to be handled and whether or not the ship is carrying any explosives or other dangerous goods. The Port Director may refuse admission to the Harbour or the use of any of its facilities to any vessel, the owner, master or agent of which fails to comply with the requirements of this paragraph of this rule.

(2) The charges which under the provisions of Clause 2(12) of the Hawksbill Creek Agreement of the Port Authority are entitled to make for the use of the Harbour or any of its facilities and the contractual conditions relative thereto shall be publicly notified by the Port Authority from time to time. The use of the Harbour and its facilities by any person shall imply acceptance of the rates, fees and conditions for the time being in force.

Compulsory
pilotage.

5. (1) No person shall navigate any vessel (other than an exempted vessel) when entering, leaving or making use of the Harbour unless attended by a pilot licensed as such by the Port Director.

(2) The following vessels shall be deemed to be exempted vessels for the purposes of this rule —

- (a) those belonging to, or in the service of, Her Majesty;
- (b) those in the employment of the Board of Trade which are ordinarily employed in the lighthouse service of The Bahamas;
- (c) those of less than 200 gross registered tons carrying passengers;
- (d) those of less than 400 gross registered tons not carrying passengers; and
- (e) those specifically exempted by the Port Authority.

(3) No person shall be licensed as a pilot for the purposes of this rule unless the Port Director is satisfied that such person has qualifications at least equal to those prescribed by section 42(1) of the Port Authorities Act.

6. The Port Director may give directions to the master of any vessel for all or any of the following purposes, that is to say — Powers of the Port Director.

- (a) for regulating the time at which and the manner in which a vessel shall enter into, go out of, or lie in the Harbour;
- (b) for regulating the time at which and the manner in which a vessel whilst in Harbour shall moor or unmoor, anchor or move its position;
- (c) for regulating the position or manner in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within the Harbour;
- (d) for regulating the manner in which any vessel entering the Harbour shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels or to the Harbour or to the moorings;
- (e) for removing unserviceable vessels and other obstructions from the Harbour and keeping the same clear;
- (f) for any other purposes as in his opinion may be necessary for the proper and orderly administration of the Harbour or for securing the comfort or safety of persons or vessels lawfully therein:

Provided always that nothing herein contained shall authorise the Port Director to do or cause to be done any act contrary to or inconsistent with any law for the time being in force relating to customs, immigration or quarantine.

7. A master of a vessel shall promptly and efficiently regulate such vessel according to the directions of the Port Director made in conformity with rule 6 hereof and the master of any vessel who after due notice of such direction shall not forthwith comply with the same and regulate such vessel accordingly shall be guilty of an offence against these Rules.

Penalty for not complying with Port Director's directions.

Cargo
statements.

8. (1) Upon arrival at the Harbour and before sailing therefrom, the master of every vessel or his agent shall give a report in writing to the Port Director of all cargo to be discharged from or which has been loaded into such vessel, as the case may be. Every such report shall be in the form of the ship's manifest or a duly certified statement showing the number of units, commodity, weight, capacity, shipper, destination and consignee of such cargo and such other information as the Port Authority may deem necessary for the compilation of commercial statistics or the satisfactory operation of the Harbour.

(2) The master, owner or agent of a vessel using the facilities of the Harbour shall permit the Port Director to have access on demand to manifests of cargo and any other relevant documents for the purpose of ascertaining the correctness of any reports made, or of securing the necessary information to enable the Port Authority to levy proper charges in relation to any facilities of the Harbour made available to such vessel.

Port Director
may refuse entry.

9. The Port Director may refuse entry to the Harbour to any vessel carrying any explosives or any highly inflammable, dangerous or obnoxious cargo, or may prohibit the loading or unloading in the Harbour of any such cargo, or may permit the same subject to such special conditions as he may see fit to impose. Any person who acts in contravention of any such prohibition or such special condition shall be guilty of an offence against these Rules.

Precautions
relating to
emergencies.

10. (1) The master of every vessel in the Harbour shall at all times ensure that there is on board his vessel a person in charge with authority to take such action as may be necessary in any emergency to protect the safety of his vessel or of other vessels or property in the Harbour, or to facilitate navigation or commerce within the Harbour.

(2) Where no person is on board a vessel in compliance with the provisions of paragraph (1) of this rule, the Port Director may place a competent person on board if he deems it necessary to do so for the protection of other vessels or property or to facilitate navigation or commerce in the Harbour, and any expenses involved thereby shall be chargeable to the owner or master of the vessel in default.

11. (1) In the event of advance information being received by the Port Director that a storm of hurricane intensity is expected to pass over or near the Harbour, the Port Director may give directions to the masters of vessels and to the agents or owners of any cargo or of any other property lying in the open within the Harbour, to take such measures as the Port Director may deem necessary for the protection of such vessels, cargo or property or of any other vessels or property in the Harbour.

Hurricane precautions.

(2) Where any person receives due notice of any such direction as is specified in paragraph (1) of this rule and fails without reasonable cause to comply promptly therewith, it shall be lawful for the Port Director to take such steps as he deems necessary to carry out such direction and any expense incurred by him in so doing shall be recoverable from the person in default.

12. The Port Director or any employee of the Port Authority duly authorised in writing by the Port Director, on producing his authority if required to do so, may from time to time and at any time for the purpose of enforcing any of these Rules enter into or upon any vessel (not being one of Her Majesty's ships) within the Harbour to inspect and examine such vessel or its contents or any part thereof.

Power to enter and inspect vessels.

13. No master shall cause his vessel to leave the Harbour without paying or otherwise settling all Harbour dues and other charges in respect of the vessel, and without giving at least one hour's notice to the Port Director of his intent to leave.

Sailing notices.

14. Where any sunken or unserviceable vessel or any anchor, timber or other object belonging to any person is causing any obstruction in the Harbour, the Port Director may notify the owner thereof or his agent of the existence of such obstruction and by notice in writing may require him without delay to remove the obstruction and if such notice is not complied with within twenty-four hours the Port Director may remove the obstruction and the expense thereby incurred shall be repaid by the owner thereof. If the said owner shall neglect or refuse to pay such expense the Port Director may dispose of the vessel or object which caused the obstruction by public sale after giving three days notice of the intended sale and shall pay to such owner any surplus after deducting the expenses of such removal and sale:

Removal of obstructions.

Provided that where an obstruction in the Harbour in the opinion of the Port Director constitutes an immediate danger to navigation he may forthwith take such steps as he may deem necessary to remove the same.

Nuisances
created by
vessels.

15. No master of a vessel within the Harbour shall permit his vessel to become a nuisance either by the cleaning of boilers or the blowing of tubes or by any other means, nor shall he cause or permit his vessel to emit excessive smoke or to make excessive or unnecessary noise by the use of the vessel's whistle, siren or broadcasting apparatus.

Navigation in
Harbour.

16. (1) Small craft (that is to say, harbour working craft, rowing, sailing and fishing boats, launches and the like) under way in the Harbour shall give way to any ship entering, leaving or manoeuvring in the Harbour.

(2) Outgoing ships shall have right of way over incoming ships.

(3) Subject to the preceding provisions of this Rule, the master of every vessel lying or proceeding in the Harbour shall obey the rules prescribed by the Regulations for Preventing Collisions at Sea.

Excessive speed.

17. A master of a vessel shall not cause or permit his vessel to proceed at such a speed within the Harbour that the wash or suction created thereby causes damage to any property or person or otherwise incommodes any vessel or person in the Harbour.

Fishing.

18. No person shall engage in fishing from —

(a) any vessel in the entrance channel of the Harbour; or

(b) any vessel in any other part of the Harbour (not being a vessel tied up at a wharf) if, in the opinion of the Port Director, the movement of any other vessel might be incommoded thereby.

Precautions
against rats.

19. (1) The master of every vessel shall cause all ropes and mooring tackle used for securing such vessel either to the shore or mooring buoys to be fitted with guards approved by the Minister responsible for Port Health to prevent rats passing from the vessel to the shore and he shall cause all empty cases, packages and barrels to be examined before landing to ensure that no rats are contained therein.

(2) No person without the consent of the Port Director in writing shall remove or cause or allow to be removed any rat (alive or dead) from any ship within the Harbour.

(3) The master of any vessel which is silent shall cause any gangway communicating with the shore to be well lighted during the hours of darkness or alternatively to be removed.

20. No person shall smoke within the Harbour in any of the following places, that is to say — Smoking.

- (a) in any warehouse or transit shed;
- (b) on the apron of any wharf or on the deck of any vessel when explosive or highly inflammable substances are being handled or stored thereon;
- (c) in any place or area where a notice erected by the Port Authority is exhibited bearing the words “Smoking Prohibited”.

21. (1) No person shall enter any area of the Harbour set aside as a restricted area or for the use of the customs and immigration authorities, or as the Harbour offices, warehouses, transit sheds or private offices except — Restricted areas.

- (a) persons assigned to duty or having any business therein;
- (b) passengers under proper supervision while embarking or disembarking; or
- (c) persons in possession of a valid pass issued by the Port Director.

(2) For the purposes of this rule, a restricted area means any area designated as such by notice board erected by the Port Authority and bearing the words “Restricted Area”.

22. Except during the times when the Harbour is open for public business, no person shall enter or attempt to enter therein (save in case of emergency) unless — Entry into Harbour when closed to the public.

- (a) he is in possession of a valid pass issued to him by the Port Director; or
- (b) he is given permission to enter the Harbour by the Port Director or the Harbour Police.

Wharf
obstruction.

23. No person shall leave any tool, equipment, vehicle or any other material or object which does not form part of a vessel's cargo on any part of a wharf after the loading or unloading of a vessel at such wharf has been completed unless he obtains the prior approval of the Port Director to do so.

Discharging of
oil or refuse, etc.
in the Harbour.

24. No person shall deposit, place or discharge into the Harbour any offal, garbage, cans, dead animal or fish, gaseous liquid, oil, gasoline, calcium carbide, tar, trade waste, untreated sewage or any other refuse or matter which is liable to pollute the Harbour or to cause scum to form on its surface or sediment on its bottom, or to create the odour or gases of putrefaction.

Display of
dangerous lights.

25. (1) If in the Harbour a vessel becomes grounded or there is a collision between two vessels or between a vessel and any wharf, dock or pier, the master of any vessel involved or the agent or owner thereof and the pilot (if any) shall within twenty-four hours of such happening make a written report of the same to the Port Director. Such report shall include a precise and detailed account of the occurrence, the weather and sea conditions at the material time, the names and addresses of any independent witnesses, a statement of any loss or damage known to have been incurred by any person or vessel as a result of such occurrence and the name of any tug boat used.

(2) In the case of minor collision occurring when a vessel is under way proceeding to the open sea and the vessel concerned having no need of immediate repair, the report referred to in paragraph (1) of this rule may be sent by post to the Port Director by the master of the vessel on reaching his next port.

Circulation of
traffic.

26. Vehicular traffic in the Harbour shall circulate in accordance with any traffic signs or as may be directed from time to time by the Port Director or Harbour Police.

Control of
vehicles.

27. (1) No vehicle shall be driven in the Harbour at speed in excess of fifteen miles per hour.

(2) No vehicle shall be parked in the Harbour except with the authority of the Port Director and subject to such conditions and restrictions as he may impose in any case.

(3) The driver of any vehicle in the Harbour shall at all times comply with such lawful directions with respect to the use, movement or parking of such vehicle as he may be given by the Port Director or Harbour Police.

(4) The Port Director may prohibit any vehicle entering the Harbour.

28. No person in the Harbour shall solicit or attempt to solicit any person to hire, ride in or use any vehicle or ship offered for the purpose of carrying passengers or goods for hire. Prohibition of soliciting for hire of vehicles or ships.

29. (1) Any person who — Miscellaneous.

- (a) water-skis in the Harbour; or
- (b) discharges any litter or refuse, of any kind whatsoever, in the Harbour except into a receptacle provided for that purpose; or
- (c) offers for sale in the Harbour any food, drink or other commodities of whatsoever nature, except in accordance with the terms and conditions of any written permission in that behalf given by the Port Authority; or
- (d) posts, distributes or displays any advertisement, sign or notice in the Harbour, except in accordance with the express permission of the Port Director; or
- (e) defaces, destroys, disturbs, removes or in any way injures any barrier, marker, fitting, structure, tree or other vegetation in the Harbour,

shall be guilty of an offence.