

TITLE 57.4

NAVAL PORTS ORDINANCE

(ORDINANCE No. 18 OF 1987)

[DATE OF COMMENCEMENT: 18TH JANUARY 1988:*)

AN ORDINANCE

To provide for the establishment of naval ports, the administration and control thereof and matters incidental thereto.

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Declaration of naval ports
4. Queen's Harbour Master
5. Powers of Queen's Harbour Master
6. Recovery of payments from owner in certain cases
7. Payments may be enforced by distress
8. Restriction of entry of vessels
9. Offences and penalties
10. Regulations

1 Short title

This Ordinance may be cited as the Naval Ports Ordinance.

2 Interpretation

In this Ordinance, unless the context otherwise requires:

"naval port" means a naval port declared and defined in accordance with section 3;
"master" means the person having command of a vessel for the time being;
"Queen's Harbour Master" means a Queen's Harbour Master appointed under section 4;
"vessel" means any ship, boat or craft of any kind however it may be propelled.

3 Declaration of naval ports

The Governor may by order declare and define the limits of a naval port.

4 Queen's Harbour Master

The Governor may, on the advice of the Commander British Forces, appoint a Queen's Harbour Master for a naval port.

5 Powers of Queen's Harbour Master

The Queen's Harbour Master shall have power to-

- (a) order the master of any vessel to change the place where any vessel is berthed or moored in a naval port;
- (b) at the expense of the master cause the berth or mooring of any vessel to be changed when an order under paragraph (a) has not been complied with and for that purpose to-
 - (i) cast off, loose or unshackle the vessel; and
 - (ii) if necessary sever any cable, chain or rope of the vessel; and
 - (iii) put on board the vessel sufficient persons to protect the vessel during its change of berth or mooring;
- (c) cause to be boarded and searched any vessel in a naval port which he reasonably suspects of having on board-
 - (i) any arms, explosives, ammunition or other combustible substances or materials; or
 - (ii) any drugs contrary to the laws of the Falkland Islands;
- (d) remove any vessel or other thing which is sunk, stranded or abandoned in a naval port or the approach thereto which in the opinion of the Queen's Harbour Master is causing an obstruction or danger to navigation;
- (e) destroy any vessel or thing referred to in paragraph (d) or part thereof;
- (f) take possession of any vessel or thing referred to in paragraph (d); and-
 - (i) if so requested, deliver the vessel or thing to the owner thereof on payment of all the costs incurred in the recovery and delivery of the vessel or thing; or
 - (ii) if no such request is received within three months of such taking of possession, sell the vessel or thing and any property contained therein and after deduction of the cost of recovery and sale deposit the balance, if any, of the proceeds of the sale in the Treasury in trust for the person entitled thereto;
- (g) seize and detain any vessel which he has reasonable cause to believe has entered the territorial sea or internal waters of the Falkland Islands in contravention of an order made under section 8.

6 Recovery of payments from owner in certain cases

If, under this Ordinance or any regulations made hereunder, an owner of a vessel or any thing is required to pay any penalty or expenses by reason of an act or omission of the master thereof or any other person, he shall be entitled to recover the amount paid by him with costs from the person who committed the offence, did the wrongful act, or omitted to do anything by reason whereof the owner was compelled to make payment.

7 Payments may be enforced by distress

Where an order has been made under this Ordinance for the payment by the master or owner of a vessel of any fine or other payment and such fine has not been paid within the time allowed by the court, or if

no time has been given such time as may be reasonable, the Senior Magistrate or not less than two justices of the peace may direct that the amount payable may be levied by the impounding by the Queen's Harbour Master and sale of the vessel, her tackle, furniture or any part thereof.

8 Restriction of entry of vessels

(1) The Governor may, when he considers it necessary in the interests of defence or internal security, prohibit by order published in the Gazette the entry of any vessel or class of vessels into the territorial sea or internal waters of the Falkland Islands or any part or parts thereof.

(2) An order made under subsection (1) shall come into force on the day specified therein notwithstanding that such day may be prior to the publication of the order in the Gazette.

9 Offences and penalties

- (1) A person who-
- (a) contravenes any provision of this Ordinance;
 - (b) fails to comply with the requirements of this Ordinance including a prohibition under section 8; or
 - (c) obstructs the Queen's Harbour Master or any person acting on his behalf or any other person acting under the provisions of this Ordinance,

commits an offence.

(2) A person who commits an offence under this Ordinance is liable on conviction to a fine not exceeding £1,000 or in the case of contravention of an order under section 8 to such fine or forfeiture of the vessel used in contravention of such order or to both such fine and forfeiture.

10 Regulations

(1) The Governor may by order make regulations for the better carrying out of the provisions of this Ordinance.

(2) Without derogating from the generality of subsection (1), regulations made hereunder may provide for-

- (a) the control of mooring, anchoring and berthing of vessels;
- (b) the restriction of the carrying, loading, discharging or holding of arms, ammunition or other combustible substances or materials on, from or in vessels entering or remaining in a naval port;
- (c) the regulation of the speed of vessels moving in or into a naval port;
- (d) the watches to be maintained on vessels in a naval port;
- (e) such matters as may appear necessary for protection of Her Majesty's ships or property;
- (f) a fine of not more than £1,000 for the contravention of such regulations.