



# Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers. [11th May 1847] *u*

## Modifications etc. (not altering text)

- C1** Act extended (S.) by [Harbours, Piers and Ferries \(Scotland\) Act 1937 \(c. 28\), s. 10](#)
- C2** Functions of clerk of the peace relating to the deposit of plans or documents now exercisable by proper officer of the local authority: [Courts Act 1971 \(c. 23\), Sch. 8 para. 1](#) and [Local Government Act 1972 \(c. 70\), Sch. 29 para. 4](#)
- C3** References to sheriff clerk of a county to be construed as reference to sheriff clerk of sheriff court *u* district concerned: [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27 Pt. I para. 1\(3\)](#)
- C4** Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C5** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C6** This act is not necessarily in the form in which it has effect in Northern Ireland.
- C7** Act incorporated in part (with modifications) (E.W.S.) (5.12.1989) by S.I. 1989/2036, art. 6 and Act incorporated in part (with modifications)(E.W.S.)(12. 3. 1991) by S.I. 1991/993, [arts. 3\(1\)\(2\), 9, 10.](#)
- C8** Act restricted (E.W.S.)(23. 5. 1991) by S.I. 1991/1257, [art. 23\(2\)\(a\).](#)
- C9** Act restricted (E.W.S.)(23. 5. 1991) by S.I. 1991/1258, [art. 23\(2\)\(a\).](#)
- C10** Act restricted (E.W.S.)(23. 7. 1991) by S.I. 1991/1745, [art. 15\(2\)\(a\).](#)
- C11** Definition "the prescribed limits" in this Act modified (E.W.S.) (20.3.1992) by S.I. 1992/1136, [art. 9\(3\)](#)
- C12** Act extended (5.11.1993) by S.I. 1993/2733, [art.9\(3\)](#)
- C13** Act amended (4.9.2000) by S.I. 2000/2251, [art. 3\(3\)](#)
- C14** Act incorporated in part (with modifications) (E.W.S.) (2.7.1992) by S.I. 1992/1623, [art.3.](#)  
Act incorporated in part (with modifications) (16.7.1992) by section 3 of the order contained in the Schedule to [Peterhead Harbours Order Confirmation Act 1992 \(c. xii\)](#)  
Act incorporated in part (with modifications) (17.3.1993) by S.I. 1993/1313, [art.3](#)  
Act incorporated in part (with modifications) (27.9.1993) by S.I. 1993/2176, [art.3](#)  
Act incorporated in part (with modifications) (5.11.1993) by S.I. 1993/2733, [art.3](#)  
Act incorporated in part (with modifications) (5.11.1993) by [1993 c. 42, s.18](#)

*Changes to legislation:* There are currently no known outstanding effects for the Harbours, Docks and Piers Causes Act 1847. (See end of Document for details)

**F41** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

### *Harbour, dock, and pier master*

And with respect to the appointment of harbour masters, dock masters, and pier masters, and their duties, be it enacted as follows:

## **51 Appointment of harbour, dock, or pier master.**

The undertakers may appoint such harbour masters as they think necessary, (including in such expression dock masters and pier masters, as herein-before defined,) and from time to time, as often as they think fit, may remove any such harbour master.

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

**C227** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by S.I. 1991/540, **art.12.**

**C228** S. 51 incorporated (with modifications) (E.W.S.) (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), **3** (with arts. 34, 35, 37, 40)

**C229** S. 51 incorporated (with modifications) (S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)

**C230** S. 51 incorporated (with modifications) (S.) (2.11.2013) by [The Whitehills Harbour and Marina \(Constitution\) Order 2013 \(S.S.I. 2013/308\)](#), arts. 1(1), **3**

**C231** S. 51 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **3(2)-(5)**

**C232** S. 51 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)

**C233** Ss. 51-53 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)

**C234** S. 51 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)

**C235** S. 51 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(2)-(5)**

**C236** S. 51 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)

## **52 Powers of harbour, dock, or pier master.**

The harbour master may give directions for all or any of the following purposes; (that is to say,)

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein:

For regulating the position 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 or on the harbour, dock, or pier:

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as /

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for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings thereof:

For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear:

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same:

Provided always, that nothing in this or the special Act contained shall authorize the harbour master to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Commissioners of her Majesty's [<sup>F42</sup>Customs and Excise].

#### Textual Amendments

**F42** Words substituted by virtue of S.R. & O. 1909/197, (Rev. V, p. 465; 1909, p. 239) art. 10

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

- C233** Ss. 51-53 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C237** S. 52 extended by [S.I. 1972/971](#), art. 4, **Sch. 1**  
S. 52 extended (1.11.1994) by [S.I. 1994/2733](#), **art. 9**  
S. 52 extended (13.4.1995) by [S.I. 1995/1063](#), **art. 8(3)**
- C238** S. 52 incorporated (with modifications) (7.1.2003) by [2002 c. v, s. 3\(1\)\(2\)](#); (with s. 23)
- C239** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by [S.I. 1991/540](#), **art.12**.  
S. 52 extended (1.8.2000) by [S.I. 2000/2103](#), **art. 9(3)**  
S. 52 extended (4.9.2000) by [S.I. 2000/2251](#), **art. 9**
- C240** S. 52 extended (E.W.S.) (16.1.2012) by [The Portsmouth \(Continental Ferry Port Berth 2 Extension\) Harbour Revision Order 2011 \(S.I. 2011/3032\)](#), arts. 1(1), **9(3)** (with arts. 21-23)
- C241** S. 52 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C242** S. 52 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(2)-(5)**
- C243** S. 52 incorporated (with modifications) (S.) (8.6.2018) by [The Dumfries and Galloway Council \(Kirkcudbright\) Harbour Revision Order 2018 \(S.S.I. 2018/188\)](#), arts. 1, **3** (with arts. 14, 35(3), 38, 39, 40, 41)

### 53 Penalty on shipmasters not complying with directions of the harbour master.

The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the harbour master, made in conformity with this and the special Act; and any master of a vessel who, after notice of any such direction by the harbour master served upon him, shall not forthwith regulate such vessel according to such direction shall be liable to a penalty not exceeding [<sup>F43</sup>level 2 on the standard scale]. t

#### Textual Amendments

**F43** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

*Changes to legislation: There are currently no known outstanding effects for the Harbours, Docks and Piers Clauses Act 1847. (See end of Document for details)*

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

- C233** Ss. 51-53 incorporated (with modifications) (S.) (14.1.2015) by [The Caledonian Maritime Assets \(Brodict\) Harbour Revision Order 2015 \(S.S.I. 2015/6\)](#), arts. 1, **3(1)-(4)** (with arts. 21, 53(3), 55, 57)
- C244** S. 53 extended by [S.I. 1972/971](#), art. 4, **Sch. 1**  
S. 53 excluded (E.W.S.) (12.1.2000) by [S.I. 1999/3444](#), **art. 9**
- C245** Ss. 51, 52, 53 and 58 incorporated (with modifications)(E.W.S.)(5. 3. 1991) by [S.I. 1991/540](#), **art.12**.

### 54 Penalty on harbour master for misbehaviour.

If any harbour master, or any of his assistants, without reasonable cause, or in an unreasonable or unfair manner, exercise any of the powers or authorities vested in the harbour master by this or the special Act, the person so offending shall for every such offence be liable to a penalty not exceeding [<sup>F44</sup>level 1 on the standard scale].

#### Textual Amendments

- F44** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. **46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. **289G**

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

- C246** S. 54 incorporated (with modifications) (E.W.S.) (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), **3** (with arts. 34, 35, 37, 40)
- C247** Ss. 54-56 incorporated (with modifications) (S.) (13.2.2013) by [The Caledonian Maritime Assets \(Lochaline Ferry Services Slipway\) Harbour Empowerment Order 2013 \(S.S.I. 2013/46\)](#), arts. 1, **3** (with arts. 21-23)
- C248** S. 54 incorporated (with modifications) (S.) (2.11.2013) by [The Whitehills Harbour and Marina \(Constitution\) Order 2013 \(S.S.I. 2013/308\)](#), arts. 1(1), **3**
- C249** Ss. 54-58 incorporated (with modifications) (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **3(2)-(5)**
- C250** Ss. 54-57 incorporated in part (with modifications) (S.) (19.8.2014) by [The Port of Ardersier Harbour Revision Order 2014 \(S.S.I. 2014/224\)](#), arts. 1(1), **3** (with arts. 31, 32, 34)
- C251** Ss. 54-59 incorporated (with modifications) (S.) (18.3.2016) by [The Lochboisdale and Gasay Port / \(Harbour Empowerment\) Order 2016 \(S.S.I. 2016/156\)](#), arts. 1, **3** (with arts. 31, 32)
- C252** Ss. 54-58 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(2)-(5)**
- C253** S. 54 incorporated (with modifications) (S.) (10.6.2017) by [The Tobermory Harbour Empowerment Order 2017 \(S.S.I. 2017/196\)](#), arts. 1, **3** (with arts. 36-40)
- C254** S. 54 incorporated (with modifications) (S.) (8.6.2018) by [The Dumfries and Galloway Council \(Kirkcudbright\) Harbour Revision Order 2018 \(S.S.I. 2018/188\)](#), arts. 1, **3** (with arts. 14, 35(3), 38, 39, 40, 41)

### 55 Penalty on offering bribes to dock officers, and on officers taking bribes.

If any person give or offer any sum of money, or any thing whatsoever, by way of reward or bribe to any harbour master or any officer employed in or about the harbour, dock, or pier, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing such harbour master or other officer to do or omit to do anything relating to his office, or if such harbour master or other officer receive any such reward or bribe as aforesaid, every person so offending shall be liable for every such offence to a penalty of [<sup>F45</sup>level 2 on the standard scale]. *l*