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SUBSIDIARY LEGISLATION

CONTENTS:

*The following SUBSIDIARY LEGISLATION is published in this
Supplement which forms part of this Gazette : –*

	No.
Ports (Akrotiri) Regulations 2010	36

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Interpretation
3. Permission issued under these Regulations
4. Entry into the port
5. Safe Speed
6. Placing of moorings etc.
7. Obstructions to navigation
8. Radio communications
9. Exclusion zones
10. Fishing
11. Swimming and underwater activities
12. Water sports
13. Dumping of refuse and ballast
14. Dredging

PORTS (AKROTIRI) REGULATIONS 2010

The Administrator makes these Regulations in exercise of the powers under section 4 of the Ports Ordinance 2010(a):

Citation and commencement

1. These Regulations may be cited as the Ports (Akrotiri) Regulations 2010 and come into force on 1 February 2011.

Interpretation

2. (1) In these Regulations—

“the port” means the port of Akrotiri declared in the Ports Ordinance (Declaration of Ports) Order 1987(b);

“refuse” includes stones, earth and clay.

(2) For the purposes of these Regulations a person “dives” if that person enters and submerges in water and in order to survive under the water breathes in air or other gas at a pressure greater than atmospheric pressure.

Permission given under these Regulations

3. Any permission given under these Regulations may be—

- (a) given to persons generally;
- (b) subject to such conditions as the person giving the permission considers appropriate;
- (c) withdrawn.

Entry into the port

4. (1) A person or vessel must not enter or remain within the breakwater of the port without the permission of the Fiscal Officer.

(2) A person who, or the master or owner of a vessel which, contravenes this regulation commits an offence and is liable to a fine of €2,000.

Safe Speed

5. (1) Without prejudice to the obligations imposed by the Merchant Shipping (Distress Signals and Prevention of Collisions) Ordinance 2008(c), a vessel navigating within the port must do so in a safe manner and at a safe speed.

(2) A person who, or the master or owner of a vessel which, contravenes this regulation commits an offence and is liable to 6 months imprisonment or a fine of €2,000 or both.

Placing of moorings etc.

6. (1) A person must not, except with the permission of the Fiscal Officer—

- (a) lay or place any moorings for a vessel;
- (b) lay or place any—
 - (i) beacon, buoy or other object used as an aid to navigation;
 - (ii) submerged or other works which may constitute a hazard to persons or property; or
- (c) move, remove, interfere with or obstruct any beacon, buoy or other object used as an aid to navigation.

(2) The Fiscal Officer may—

- (a) order a person to remove a mooring; or
- (b) order a person to remove any light or object which interferes with navigation.

(3) A person commits an offence if that person—

- (a) contravenes paragraph (1); or
- (b) fails to comply with an order given under paragraph (2).

(4) A person who commits an offence under this regulation is liable to 6 months imprisonment or a fine of €2,000 or both.

(5) The Fiscal Officer may remove any article laid or placed in contravention of this regulation and the person who contravened paragraph (1) or (2) is liable for the costs incurred by the Fiscal Officer in connection with such removal.

(6) The Crown may place within the port any moorings, buoys, lights, marks, marker buoys or aids to navigation as it may require.

Obstructions to navigation

7. (1) A vessel must not anchor—

- (a) on an undersea cable or pipeline marked on an Admiralty chart; or
- (b) in any area shown on an Admiralty chart as being where anchoring is prohibited.

(2) A vessel must not—

- (a) make fast to or lie at any buoy or beacon placed to mark channels or shoals in the port;
- (b) except with the permission of the Fiscal Officer, moor or fasten to any mooring, buoy, breakwater, boom defence, dolphin, jetty, pile or vessel placed by the Crown;
- (c) except with the permission of the Fiscal Officer, moor, or (except in an emergency) anchor within 100 metres of any jetty, floating dock, dolphin, vessel, installation or depot owned or operated by the Crown;
- (d) except with the permission of the Fiscal Officer, moor or anchor—
 - (i) in any fairway or in the approach to any breakwater within the port; or
 - (ii) in any part of the port designated from time to time as being reserved for warships.

(3) A person must not, without the permission of the Fiscal Officer, do anything which may cause an obstruction to navigation.

(4) A person who finds a vessel or other object adrift within the port must notify the Fiscal Officer.

(5) If a vessel fouls any moorings, under-sea cable or pipeline or the moorings of a buoy within the port, the master of that vessel must—

- (a) notify the Fiscal Officer; and
- (b) if it is safe and practicable to do so, await the direction of the Fiscal Officer before clearing the mooring, under-sea cable or pipeline or the moorings of the buoy.

(6) A vessel of 20 metres or more in length which is anchored within any breakwater or its approaches must maintain an anchor watch at all times.

(7) A person who, or the master or owner of a vessel which, contravenes this regulation commits an offence and is liable to 6 months imprisonment or a fine of €2,000 or both.

Radio communications

8. (1) A vessel of 20 metres or more in length navigating within the port must carry either fixed or portable VHF radiotelephony equipment.

(2) The master and owner of a vessel which contravenes this regulation each commit an offence and are liable to a fine of €2,000.

Exclusion zones

9. (1) The Fiscal Officer may direct that there is to be an exclusion zone of up to 250 metres around any vessel within the port.

(2) A vessel around which an exclusion zone exists is to display—

- (a) by day, two diamond shapes vertically disposed, where they can best be seen; and
- (b) by night, two flashing red lights at the masthead horizontally disposed.

(3) If a direction specified in paragraph (1) has been given and while the signals specified in paragraph (2) are displayed—

- (a) a vessel underway within the port must not enter the exclusion zone unless it is authorised by the Fiscal Officer to do so; and
- (b) any vessel which is alongside, at anchor, at a buoy or mooring or aground within an exclusion zone is to remain in its position while the exclusion zone is in force.

(4) The master and owner of a vessel which contravenes this regulation each commit an offence and are liable to 6 months imprisonment or a fine of €2,000 or both.

Fishing

10. (1) A person must not fish or use fishing or seine nets within the port without the permission of the Fiscal Officer.

(2) A person who contravenes paragraph (1) commits an offence and is liable to a fine of €1,000.

Swimming and underwater activities

11. (1) Subject to paragraphs (2) and (3), a person must not, within an area specified in paragraph (4), dive or swim in the water.

(2) A person may dive or swim in the water within an area specified in paragraph (4) with the permission of the Fiscal Officer.

(3) A person may swim in the water in any area within those areas specified in paragraph (4) which is designated from time to time by the Fiscal Officer for that activity.

(4) The areas specified in this paragraph are those areas within the port which are within—

(a) 100 metres of the walls, slipways, breakwater or boundaries of a Crown establishment; or

(b) 150 metres of any of Her Majesty's vessels.

(5) A person who contravenes paragraph (1) commits an offence and is liable to a fine of €500.

Water sports

12. (1) Subject to paragraph (2), person must not, within the port, engage or take part in—

(a) water skiing, jet skiing, wind surfing or kite surfing; or

(b) parascending or other activity involving the towing of a kite or other thing in such a manner as to cause it to become airborne in any part of the port.

(2) A person may engage in water skiing, jet skiing, wind surfing or kite surfing within the port—

(a) with the permission of the Fiscal Officer; or

(b) in such areas which are designated from time to time by the Fiscal Officer for such activities.

(3) A person must not organise, promote, conduct or participate in a yacht or boat race or other aquatic sport without the permission of the Fiscal Officer.

(4) A person who contravenes paragraphs (1) or (3) commits an offence and is liable to a fine of €1,000.

Dumping of refuse and ballast

13. (1) Subject to paragraph (2), a person must not dispose of refuse into the waters of the port.

(2) Paragraph (1) does not apply to the disposal of materials as part of a dredging operation conducted for the conservancy of the port.

(3) A person must not cause or permit any object or substance to be disposed of within the port which may—

(a) cause damage to vessels or property;

(b) cause any nuisance or endanger the life or health of any person; or

(c) cause a disease of animals or plants.

(4) A vessel must not discharge ballast into the waters of the port except with the permission of the Fiscal Officer.

(5) A person who contravenes paragraph (1) or (3) commits an offence and is liable to a fine of €5,000 or 2 years imprisonment or both.

(6) The master and owner of a vessel which contravenes paragraph (4) each commit an offence and are liable to a fine of €5,000 or 2 years imprisonment or both.

(7) The Fiscal Officer may remove any refuse, substance or article disposed of into the waters of the port in contravention of this regulation, and the person who disposed of that refuse, substance or article is liable for the costs incurred by the Fiscal Officer in connection with such removal.

Dredging

14. (1) A person must not dredge within the port using drags, hooks, nets or other apparatus, except with the permission of the Fiscal Officer.

(2) The master and owner of a vessel which contravenes this regulation each commits an offence and are liable to 6 months imprisonment or a fine of €2,000 or both.

Dated this 16th day of December 2010.

By the Administrator's Command,

J. S. Wright,

Chief Officer,

Sovereign Base Areas.

(SBA/AG/2/AM/563/1)

Notes

(a) Ordinance 35 /10.

(b) Public Instrument 39/10.

(c) Ordinance 11/08.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Introduction

1. This explanatory note relates to the Ports (Akrotiri) Regulations 2010 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The Regulations are made under section 4 of the Ports Ordinance 2010 and in general control the conduct of persons within the port of Akrotiri.
3. Regulation 8 allows the Fiscal Officer to direct an exclusion zone around a ship. This may be a moving zone, requiring other vessels to remain a specified distance away from the ship in question.
4. The functions conferred on the Fiscal Officer by these Regulations may be delegated to other persons under the Delegation of Functions (Internal) Ordinance 2009 (Ordinance 32/09).