



TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

MARITIME AND AVIATION

HARBOUR (TRISTAN DA CUNHA) REGULATIONS, 1968¹

*Made under the Harbours Ordinance²
(Legal Notices SH31 of 1968 and T1 of 1990)
In force 14 March 1968*

No amendments to 1 November 2017

No other subsidiary legislation to 1 November 2017

HARBOUR (TRISTAN DA CUNHA) REGULATIONS, 1968

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

² These Regulations were made under section 3 of the Harbours Ordinance (Cap. 47 of the 1950 Revised Edition of the Laws of St Helena) which was applied to Tristan da Cunha by Ordinance 12 of 1966 (SH).

That Harbours Ordinance was replaced in St Helena by the Harbours Ordinance, 1997, which applied to Tristan da Cunha by virtue of the Application of St Helena Law (Tristan da Cunha) Ordinance, 1987. The 1997 Ordinance was replaced in St Helena by the Ports Ordinance, 2016, which also applies to Tristan da Cunha by virtue of the 1987 Ordinance and contains the necessary regulation-making powers.

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Citation

1. These regulations may be cited as the Harbour (Tristan da Cunha) Regulations, 1968.

Definitions

2. In these Regulations, unless the context otherwise requires—
 - “**at Tristan da Cunha**” in relation to any ship means at any port, harbour, bay or roadstead, or at sea within the 3-mile limit of Tristan da Cunha;
 - “**authorised person**” means a person who is—
 - (a) performing any duty or work under the directions of the Administrator, the Harbour Master or a deputy harbour master; or
 - (b) engaged in the loading or discharging of cargo under the direction of the Superintendent of Works or the local manager of Tristan Investments (Pty) Limited; or
 - (c) authorised by the Administrator by permit;
 - “**boat**” means any vessel which can be propelled by oars and includes a sailing boat and a motor boat;
 - “**Edinburgh Settlement Harbour**” mean the boat harbour at Edinburgh Settlement together with such part of the beach adjacent to it as the Administrator from time to time demarcates;
 - “**limits of the jurisdiction of the Harbour Master**” means the area extending into the open sea for 3 nautical miles from the coastline beginning at Big Point and proceeding in a westerly direction to Anchorstock Point, and includes the beach between those 2 points;
 - “**ship**” means every description of vessel that is not a boat;
 - “**Tristan da Cunha**” means the Island of Tristan da Cunha exclusive of Inaccessible Island, Nightingale Island and Gough Island;
 - “**vessel**” means any boat or ship of any description.

Harbour Board

3. (1) For the better carrying out of the purposes of these Regulations there shall be established a board (the “**Harbour Board**”) consisting of the Harbour Master, who is to be Chair of the Board, and 2 members appointed by the Administrator in writing, one of whom must be a person who was born or one of whose parents was born in Tristan da Cunha.

(2) The Chair of the Harbour Board may call upon the members of the Board, either jointly or severally, for advice upon any matter which is the subject of these Regulations and must call upon the Board's advice in any case where these Regulations so provide.

(3) The Harbour Board may make recommendations to the Administrator as to supervision, safety measures and other matters which may arise within the limits of the jurisdiction of the Harbour Master.

(4) A person who obstructs the Harbour Board in the execution of its duties commits an offence.

Penalty: A fine of £5.

Inspection and examination of boats

4. (1) The Harbour Board may give notice to the owner or operator of any boat requiring the owner or operator to surrender the boat for inspection and examination by the Board with a view to determining whether the boat is seaworthy and suitable for the purpose to which it is put.

(2) A person who fails to surrender any boat for examination and inspection on or before the 4th day elapsing after receipt by the person of a notice under sub-regulation (1) is deemed to have obstructed the Harbour Board in the execution of its duties.

(3) If the Harbour Board has inspected and examined any boat in accordance with this regulation the Board may—

- (a) condemn the boat as unseaworthy;
- (b) give any directions that in the opinion of the Board are necessary in order to render the boat seaworthy,
- (c) restrict or prohibit the use of the boat for any particular purpose;

and any owner or operator of that boat who uses it or permits it to be used after it has been so condemned or before the directions of the Board have been complied with or who uses or permits the boat to be used contrary to any restriction or prohibition imposed by the Board, as the case may be, commits an offence.

Penalty: A fine of £5.

Carriage of passengers in boats

5. No person may carry any passenger in a boat within the limits of the jurisdiction of the Harbour Master except in a boat which has been passed as seaworthy by the Harbour Board.

Restriction on boats remaining at watering or landing place

6. It is an offence for –

- (a) a boat to be made fast to a hawser or buoy at any crane or watering place during the time that any other boat is loading, unloading or watering at or by means of such crane or watering place;

- (b) the person in charge of any boat so loading or unloading to cause the boat to remain for any longer time than is necessary for such purpose, or after being warned off by the Harbour Master;
- (c) the person in charge of any boat to cause the boat to remain or be at the landing place longer than is necessary for the purpose of landing or receiving passengers or baggage so as to impede the approach of other boats.

Penalty: A fine of £5.

Boat fittings to be left at places specified by Administrator

7. No person may leave any oars, bottom boards, rudders, casks or other fittings, belonging to a boat at any place within the limits of the jurisdiction of the Harbour Master except at places specified by the Administrator.

Lights on moving boats

8. (1) All boats moving within the limits of the jurisdiction of the Harbour Master between sunset and sunrise when any ship is anchored within such limits must exhibit a bright light at the bow not less than 3 feet above the boat.

(2) The Harbour Master may take charge of any boat not complying with this regulation and may deposit the same in some place of safe custody until the termination of any proceedings instituted in respect of a breach of this regulation or until the court before which such proceedings are brought directs that the boat be delivered to the person charged or the owner.

Life-jackets

9. Every person when embarked in a boat within the waters of Tristan da Cunha must have with him or her a life-jacket readily available for his or her sole use.

Rules to be observed by power-operated craft

10. The following rules must be observed by power-operated craft when moving within the waters of Tristan da Cunha—

- (a) power-operated craft must give way to sailing craft;
- (b) when 2 power-operated craft meet bow to bow on reciprocal courses, both must give way to starboard;
- (c) when the courses of 2 power-operated craft cut each other, the craft having the other to starboard must give way.

Fishing dinghies to be escorted by power-operated craft

11. When shore-based fishing dinghies are operating within the waters of Tristan da Cunha, the person on whose behalf such dinghies are operating must maintain not less than one power-operated craft cruising in the vicinity of the dinghies until all the dinghies have been brought within the confines of Edinburgh Settlement Harbour.

Riding lights

12. All ships at anchor at Tristan da Cunha must exhibit between sunset and sunrise a riding light to be hoisted at a height not exceeding 20 feet above the hull.

Harbour Master not required to visit ships at night

13. If any ship comes to anchor between sunset and sunrise, the Harbour Master is not required to visit it before sunrise:

But if a ship arrives between sunset and sunrise for the sole purpose of leaving mails and without the intention of anchoring, the Harbour Master must, weather permitting, go alongside the ship and receive the mails.

National ensign to be hoisted

14. Vessels lying at Tristan da Cunha must hoist the national ensign on the approach of any ship of war.

Vessels, etc. moored in obstruction

15. No ship under repair and no tank, hulk or boat may be anchored or moored at any place within the limits of the jurisdiction of the Harbour Master which is considered by the Harbour Master to be inconvenient or calculated to obstruct the arrival or departure of vessels or in any way detrimental to the convenience and facility of the port.

Moorings, etc. not to be moved

16. No person may lay down or shift any boat moorings or hawser without the sanction of the Harbour Master.

Landing of person

17. Unless the Administrator otherwise permits, no person, on arriving from a place outside Tristan da Cunha, may land in Tristan da Cunha from any vessel elsewhere than at the Edinburgh Settlement Harbour.

Restriction on boarding ships

18. No person may board any ship at Tristan da Cunha except with the permission of the Administrator:

But this regulation does not apply to the Harbour Master, the port health officer, a police officer or any passenger in, or member of the crew of, such ship.

Restriction on persons entering Edinburgh Settlement Harbour

19. (1) No unauthorised person may enter or remain in the Edinburgh Settlement Harbour at any time when a ship is loading or unloading cargo or whilst cargo is lying within the limits of the Harbour, except with the permission of the Harbour Master.

(2) The Administrator may at any time direct that no unauthorised person may

enter or remain in the Edinburgh Settlement Harbour or any part of it between such hours as the Administrator by such direction prescribes. A person who fails to comply with any such directions commits an offence.

Penalty: A fine of £5.

Restriction on smoking

20. No person may smoke within the limits of the Edinburgh Settlement Harbour when any inflammable goods are lying in there.

Offal not to be thrown into, or left in, the Harbour, etc.

21. (1) No offal may be left in any part of the Edinburgh Settlement Harbour and every person landing fish at the Harbour must remove or cause to be removed from the wharf, wharf steps and harbour walls all offal, blood and other residue arising from the fish of that person.

(2) No carcase or any part thereof may be thrown into the waters of the Edinburgh Settlement Harbour or into the sea at any point between the Volcano and Hottentot Gulch.

Restriction on bathing

22. (1) No person may bathe or swim in the Edinburgh Settlement Harbour except at times and under conditions that the Administrator specifies by notice.

(2) No person may or swim in the sea elsewhere than in the Edinburgh Settlement Harbour unless the person is in possession of a valid permit issued by the Administrator:

(3) For the purposes of sub-regulation (2) the Rock Pools between the Volcano and Hottentot Gulch are deemed not to be part of the sea.

Offence and penalty

23. A person who contravenes or fails to comply with any of these Regulations which does not create an offence commits an offence and on conviction is liable to a fine not exceeding £5.
