

2025 No. xx

HARBOUR DIRECTIONS

**The Falmouth Harbour Beach Safety (Restricted Vessel) Zone Harbour
Directions 2025**

Made by the Falmouth Harbour Commissioners [] 2025

Coming into force [] 2025

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Introduction

The Falmouth Harbour Commissioners(**a**), as the statutory harbour authority for Falmouth Harbour and in exercise of the powers under section 40A of Harbours Act 1964(**b**), having carried out the consultation required by section 40B of that Act, give the following Harbour Directions in respect of Vessels within, entering or leaving Falmouth Harbour.

Compliance with Harbour Directions

It is the duty of the Master to which a Harbour Direction is given to comply with the direction. The giving of a Harbour Direction does not diminish or in any other way affect the responsibility of the Master in relation to their Vessel, persons on board, its cargo or any other person or property.

The Master of a Vessel who fails to comply with such a Harbour Direction without reasonable excuse is liable on summary conviction to a fine not exceeding Level 4 on the standard scale (section 40C of the Harbours Act 1964).

Notes to the Harbour Directions

Some of the Harbour Directions are accompanied by notes which are written in italics. These notes provide additional information to further explain a Harbour Direction and do not form part of that Harbour Direction.

(a) The Falmouth Harbour Commissioners were designated with powers of Harbour Direction under article 2 and the Schedule to the Harbour Directions (Designation of Harbour Authorities) Order 2015 (S.I. 2015 No. 573).

(b) Under the Merchant Shipping (Watercraft) Order 2023 (S.I. 2023 No. 35), sections 40A-D of the Harbours Act 1964 apply to watercraft as they apply in relation to ships, subject to article 11 of that Order (application of the Harbours Act 1964).

PART 1

COMMENCEMENT, INTERPRETATION AND ENFORCEMENT

Commencement

1. These Harbour Directions made under the powers in section 40A of the 1964 Act shall come into force at 00:01am on [X] 2025.

Short Title

2. These Harbour Directions may be cited as The Falmouth Harbour Beach Safety (Restricted Vessel) Zone Plan Harbour Directions 2025.

Definitions

3. In these Harbour Directions—

1964 Act means the Harbours Act 1964(a);

Commissioners means the Falmouth Harbour Commissioners;

Harbour means “The harbour” as defined in Section 4 of the Falmouth Harbour Act 1958;

Harbour Direction includes the Harbour Directions contained in this document and such other Harbour Directions as may be given by the Commissioners under section 40A of the 1964 Act or any other Law;

Harbour Master means any person appointed as such by the Commissioners and includes the Harbour Master’s duly authorised deputies and assistants any other person for the time being authorised by the Commissioners to act, either generally or for a specific purpose, in the capacity of Harbour Master;

Law means any law, statute, treaty, convention, regulation, instrument or other subordinate legislation or amendment thereto, or other legislative or quasi-legislative rule or measure, or any order or decree of any government, judicial or public or other body or authority, or any directive, code of practice, circulate, guidance note or other direction issued by any competent authority or agency, whether or not having the force of law and whether or not in existence at the date of these Harbour Directions;

Master, in relation to a Ship, means the person who has command or charge of the Ship for the time being and, in relation to a Watercraft, means the owner or operator of the Watercraft;

Place of Mooring means a quay, berth, wharf, mooring, pontoon or any other place or structure designated for the purposes of making fast a Vessel to;

Restricted Vessel Zone means the area below the level of high water spring tides bounded by an imaginary line commencing at Point A [Coordinate 1], then proceeding in a straight line in a [direction] to Point B [Coordinate 2], then proceeding in a straight line in a [direction] to Point C [Coordinate 3], then proceeding in a straight line in a [direction] to Point D [Coordinate 4], then following [the level of high water spring tides] back to the point of commencement at Point A [Coordinate 1], shown for illustrative purposes shaded orange on the Falmouth Harbour Beach Safety (Restricted Vessel) Zone Plan;

Restricted Vessel Zone Plan means the plan annexed to these Harbour Directions titled ‘The Falmouth Harbour Beach Safety (Restricted Vessel) Zone Plan’;

Ship, where used as a noun, includes every description of vessel used in navigation, seaplanes on the surface of the water and hovercraft within the meaning of the Hovercraft Act 1968;

Underway means that a Vessel is not at anchor, at a Place of Mooring, or aground;

Vessel includes a Ship and a Watercraft;

Watercraft means any type of craft which—

- (a) is capable of moving under its own mechanical power;
- (b) is used, navigated or situated wholly or partially in or on water; and
- (c) is capable of being used to carry one or more persons,

but does not include a ship or fishing vessel within the meanings given in section 313(1) of the Merchant Shipping Act 1995(b).

(a) 1964 c. 40.
(b) 1995 c. 21.

Interpretation

4.—(1) In these Harbour Directions, unless the context otherwise requires, words and expressions defined in the 1964 Act shall have the same meaning when used in these Harbour Directions.

(2) All Harbour Directions, if not otherwise stated, shall be deemed to apply to all Vessels, to the whole of the Harbour, and at all times.

(3) A Harbour Direction addressed to a Master shall be deemed to apply to the Vessel of which that person is the Master.

(4) Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa, and words importing one gender shall include the other gender.

(5) Any reference to any Law shall include any additions, amendments or corrections to, or replacements of that Law.

Master's Responsibility in Relation to Harbour Directions

5. The giving of a Harbour Direction does not diminish or in any other way affect the responsibility of the Master of the Vessel to which the direction is given, in relation to the Vessel, to persons on board the Vessel, to the cargo or any other person or property.

Penalty Provisions

6. The Master of any Vessel who fails to comply with such a Harbour Direction without reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 4 on the standard scale.

PART 2

PROVISIONS AS TO VESSELS

Exclusion from the Restricted Vessel Zone

7.—(1) Except with the prior permission of the Harbour Master or in accordance with paragraph (2), the Master of a Vessel must not permit the Vessel to enter or be Underway within the Falmouth Harbour Beach Safety (Restricted Vessel) Zone.

(2) Paragraph (1) shall not apply—

- (a) from dusk until dawn;
- (b) Falmouth Harbour Vessels
- (c) to Vessels used by the RNLI to carry out patrols or rescues.

Movement of Vessels to be with Care and Caution

8.—(1) The Master of a Vessel in the Harbour must ensure that its movement is conducted with utmost care and caution and at such speed and in such a manner as not to cause or be likely to cause any of the following—

- (a) danger to life;
- (b) injury;
- (c) damage to a Vessel;
- (d) nuisance;
- (e) a risk associated with marine operations that is not as low as reasonably practicable;
- (f) a wash which in the opinion of Harbour Master, will or is likely to cause, damage or danger to any other Vessel, or person.

(2) In addition to the requirements of paragraph (1), the Master of a Vessel must ensure that it is kept well clear of any person swimming within the Harbour, maintaining a good all-round look at all times and with consideration given to the effect of wake on persons swimming.

Note: This is a measure to reduce risk of casualties between swimmers and Vessels.

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SCHEDULE

The Falmouth Harbour Beach Safety (Restricted Vessel) Zone Plan



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