

RYE HARBOUR BYELAWS

Relating to vessels entering, using or leaving the Harbour of Rye.

By virtue of the Water Act 1989 and the Environment Act 1995 the Rye Harbour functions of the Southern Water Authority have been transferred to the Environment Agency. All references to Southern Water Authority should be read as references to the Southern Region of the Environment Agency.

The Southern Water Authority after consultation with the Harbour of Rye Advisory Committee in accordance with article 29 (7) of the Harbour of Rye Revision Order 1976 and in exercise of the powers conferred upon it by article 19 of the said Order and Section 83 of the Harbour, Docks and Piers Clauses Act 1847 and of all other powers enabling it in that behalf, **hereby makes** the following byelaws to be observed in the Harbour of Rye.

Preliminary

Citation

1. These byelaws may be cited as the Harbour of Rye Byelaws 1979.

Commencement and revocation

2. These byelaws shall come into operation on the expiration of one month from the date of the confirmation hereof by the Minister of Agriculture, Fisheries and Food and with effect from the date when these byelaws come into operation the existing byelaws relating to the Harbour and made and confirmed by the former Commissioners of the Harbour of Rye on the 18th day of April 1893 are hereby revoked.

Interpretation

3. (a) The following words and expressions shall have the meaning hereinafter assigned to them, namely:
 - “the Harbour” means the Harbour of Rye as defined in article 2 (1) of the Harbour of Rye Revision Order 1976;
 - “the Authority” means the Southern Water Authority;
 - “the Harbour Master” means the Harbour Master for the Harbour or any other office appointed by the Authority and includes any person having authority to act in such capacity;
 - “the master” when used in connection with a vessel means any person, whether the owner or not, having or taking the command, charge or management of the vessel for the time being;
 - “petroleum” and “petroleum spirit” shall have the meanings assigned to them by the Petroleum (Consolidation) Act 1928;
 - “power driven vessel” includes any vessel propelled by machinery;

“vessel” included any vessel, ship, lighter, keel barge, boat, raft, pontoon, hovercraft, hydrofoil vessel and craft of any kind howsoever navigated, propelled or moved and any seaplane on the surface of the water;

“under way” when used in relation to a vessel means when she is not at anchor or moored or made fast to the shore or aground and includes a vessel dropping up or down the Harbour with her anchor on the ground.

- (b) Nothing in these byelaws shall be taken to limit, restrict or remove any right, power, obligation or offence created, conferred or imposed by any enactment, statutory instrument or byelaw not hereby repealed.

Byelaws relating to Navigation

Vessels to be navigated with care and caution

4. The master of a vessel navigating the Harbour shall navigate the vessel with care and caution and in such manner as shall not cause annoyance to the occupants of any other vessel or cause damage or danger to any other vessel or to any moorings or other property.

Avoidance of dredging, diving and other works

5. The master of a vessel shall cause her;
 - (i) to be kept clear of dredgers or other craft engaged in the laying or retrieving of moorings, navigational works or salvage works authorised by the Authority, and
 - (ii) to be navigated with care and caution and at a speed and in such manner as not to cause injury to or endanger the lives of persons engaged in underwater work.

Vessels used for fishing

6. The master of a vessel shall not use or permit her to be used for drift, trawl or other net fishing in any part of the harbour.

Vessels sunk, abandoned, adrift or damaged

7.
 - (a) The master of every vessel which through accident or other cause has sunk in the Harbour shall forthwith give to the Harbour Master notice thereof and of the position of such vessel.
 - (b) The owner or master of a vessel which has been abandoned or has gone adrift or is missing from her moorings in the Harbour shall notify the Harbour Master of the relevant facts as soon as practicable.
 - (c) The master of a vessel which has been in collision with another vessel in the Harbour resulting in damage to another vessel shall forthwith give notice in writing delivered to the owner or other person in charge of that vessel.
 - (d) The master of a vessel which is attached to another vessel for the purpose of towing or manoeuvring the same shall forthwith give notice to the Harbour Master in the event of such other vessel sinking through accident or other cause.
 - (e) The master of a vessel shall forthwith report to the Harbour Master any collision in which the vessel is involved in the Harbour with any other vessel or harbour installation or the cutting adrift of any navigation mark buoy or mooring buoy.

Charge of vessels under way

8. The master of a vessel when under way in the Harbour shall ensure that at least one competent person is constantly on board for the navigation and management thereof.

Regulations for preventing collisions

9. The Regulations for Preventing Collisions at Sea now in force, or as amended from time to time, made by Orders in Council in pursuance of the Merchant Shipping Act 1894 shall apply to the Harbour and to the vessels navigating and being therein, with the exception that vessels secured to permanent moorings in the Harbour shall not be required to display lights.

Unseaworthy vessels

10. No person shall cause a vessel to navigate the Harbour in an unsafe or unseaworthy condition except as may be necessary for her safety and that of her crew, and she shall then proceed to such place as may be indicated by the Harbour Master.

Entering and leaving the Harbour

11. No master of a vessel shall cause his vessel to enter or leave the Harbour against the direction of the Harbour Master.

Charge of anchored vessels

12. (a) Without prejudice to the provisions of sub-paragraph (b) of this byelaw, the master of a vessel shall, if required by the Harbour Master so to do, cause at least one responsible person to be on board at all times while such vessel is moored or anchored in the Harbour.
(b) The master of a sea-going vessel of more than 50 tonnes (49 tons) register shall cause at least one responsible person to be on board the vessel at all times while such vessel is moored or anchored in the Harbour.

Obstructions of navigation

13. No master of a vessel shall, except in an emergency, anchor or moor or berth his vessel in such a manner as to obstruct any navigation channel.

Vessels not to make fast to others

14. No master of a vessel shall, except in an emergency, make fast to any vessel without the permission of the master of such other vessel, unless ordered to do so by the Harbour Master.

No anchor to be put down except in emergency

15. No anchor shall be put down from any vessel whether at moorings or in any other place in the Harbour except;
 - (i) in an emergency
 - (ii) for the purpose of swinging, or
 - (iii) with the previous sanction of the Harbour Master. Any anchor put down in an emergency shall be taken up as soon as practicable. The master of a vessel which has slipped, parted from or lost any anchor, chain or cable within the Harbour limits shall forthwith give notice thereof to the

Harbour Master and of the position of such anchor, chain or cable and if the Harbour Master so directs shall cause such anchor, chain or cable to be recovered as soon as practicable.

Vessels to have their names marked on them

16. The master of every vessel which is usually kept in the Harbour shall cause it to have a name which shall be conspicuously marked on it shows or on each side and on its stern.

Byelaws relating to goods

Access across vessels

17. The master of a vessel shall allow free access across and over the deck of such vessel when berthed alongside in the Harbour for goods to be shipped or unshipped into and from others vessels.

Goods unloaded not to obstruct pier

18. No person responsible for the loading of goods into a vessel or for the unloading of goods from a vessel shall deposit such goods on any pier, quay or wharf in such a way as to obstruct the free and safe use of the pier, quay or wharf or any crane, mooring post or fixture thereon.

Byelaws relating to fires and storage of petrol or any other inflammable fuel or inflammable gas

Fires

19. (a) No master of a vessel which has any fire alight or naked light on board shall allow her to come or be alongside any vessel loading or unloading petroleum except with the permission of and after compliance with such conditions as may be imposed by the Harbour Master.
(b) No person shall smoke, or use matches or any appliances whatsoever for producing ignition, at or near any place where loading or discharging of petroleum spirit or ballast water, gas freeing or tank cleaning is being carried out.

Storage of petrol, inflammable fuel and inflammable gas

20. No person shall carry or store or cause to be carried or stored on any vessel within the Harbour any petrol or other inflammable fuel or inflammable gas in any receptacle other than a receptacle specifically constructed for the purpose of carrying or storing the petrol or other inflammable fuel or inflammable gas and originally intended by the manufacturer of the receptacle for that purpose.

Byelaws relating to the construction, installation or maintenance of engines in or on boats

Engine installation to comply with standards

21. No person shall permit to remain in the Harbour any vessel having any engine installation which does not by reason of its construction or its installation comply with the recognised code of engine practice issued for the time being by the Ship and Boat Builders National Federation or with other acceptable standards. Save and except that in cases of vessels already in use on the date these byelaws come into operation it shall be a defence to any action under this byelaw to show that all reasonable steps have been taken to comply with the standards and that to comply in every detail would cause unreasonable expense.

Silencing noise of exhaust of engines of vessels

22. No master of a vessel propelled by or equipped with an internal combustion engine shall navigate or operate such vessel in the Harbour unless such engine is fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of exhaust gases from the engine.

Generally

Inspection

23. The master of any vessel in the Harbour shall when so required by the Harbour Master afford every reasonable facility to enable the Harbour Master to ascertain whether or not these byelaws are duly observed.

Drinks or drugs

24. A person shall not navigate any vessel within the Harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

Obstruction of officers

25. No person shall intentionally obstruct any officer of the Authority in the execution of his duty in or about the Harbour.

Sounding of sirens

26. No person shall sound or use or cause or suffer to be sounded or used in the Harbour a siren, steam hooter, trumpet, distress rocket, or other instrument or appliance for producing alarm signals on any occasion or for any purpose other than in connection with navigation or distress or bona fide testing.

Speed of vessels

27. The master of any power driven vessel shall not, subject to the requirements of maintaining adequate steerage way and control, suffer or cause her to be navigated or driven other than dead slow through, approaching or leaving mooring areas, nor at a speed exceeding six knots over the bed of the river elsewhere in the Harbour.

Provided that this byelaw shall not apply to any vessel on any occasion when it is being used;

- (i) for Authority, police, fire-fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it was being used on that occasion, or
- (ii) in conformity with any byelaw or byelaws made by the Authority relating to water skiing, aquaplaning or any similar activity in the Harbour.

Buoys, marks, beacons etc

28. No person shall trespass on, make fast to, or interfere with, any light, beacon, sea-mark, navigational buoy or mark, racing buoy, or tide pole within the Harbour.

Breaking up of vessels

29. No person shall cause or permit any vessel to be broken up within the Harbour limits except with written permission of the Harbour Master and at such place as he shall appoint and subject to such other terms and conditions as he may stipulate.

Rubbish and refuse

30. (a) No person shall deposit within the harbour limits whether or not from any vessel or houseboat any rubbish (including ballast, stones, earth, clay or other refuse and any other abandoned article or materials whether liquid or solid but not including any substance the discharge or escape of which into the Harbour is subject to the provisions of the Prevention of Oil Pollution Act 1971) other than in such receptacles as may be provided for that purpose.
- (b) In this byelaw reference to any material, whether liquid or solid, shall not be interpreted as a reference to sewage discharged from any vessel or houseboat but shall be interpreted to include bath waste, sink waste or detergent.

Digging of bait

31. No person shall in any part of the Harbour dig for lugworm, ragworm, or any form of fishing bait within 16 metres (52 feet) of any mooring or within 7

metres (23 feet) of any pile, beacon, mark, hard, causeway, jetty, quay, wharf or similar structure.

Prevention of obstruction by vehicles

32. No person shall without first obtaining the consent of the Harbour Master, place or leave or cause to be placed or left any vehicle at or upon the piers, quays wharves or roads of the Harbour or at or upon property of the Authority except at authorised parking places; provided always that such consent shall not be required in respect of a vehicle engaged in the business of the loading, unloading or carriage of goods. In every case such vehicle shall be placed or left in a position which will not interfere with the free and uninterrupted passage of any other vehicle or with the proper conduct of the Harbour.

As to lighting of vehicles in Harbour

33. Every person who shall use or cause or permit to be used any vehicle other than a hovercraft on any road within the Harbour limits shall cause such vehicle to be lighted and kept lighted with the same lamps and in the same manner as if such place were a road to which the Road Traffic Act 1972 or any enactment for the time being re-enacting or amending the same applies.

Control of dogs

34. Every person having a dog within the Harbour limits shall keep the dog at all times under proper control and so as not to cause annoyance to any person or damage to property.

As to payment of Harbour fees

35. In the event of the master of a vessel which is liable to any harbour due levied by the Authority, other than due which assessed at a rate for a period of more than one month, failing to make payment of such due within twenty-four hours of the vessel entering the Harbour or immediately prior to the vessel leaving the Harbour, whichever is the sooner, the master shall remove the vessel from the Harbour on the expiration of not less than three hours' notice to pay the due given by the Harbour Master and shall not re-enter or attempt to re-enter the Harbour, other than in an emergency, until the due is paid or unless the Harbour Master gives consent.

Prevention of obstruction generally

36. No person shall without the consent of the Harbour Master bring, place or leave or permit to be brought, placed, or left any vessel, goods, or articles of any description upon the piers, quays, wharves or roads of the Harbour, or at or upon any property of the Authority.

Without prejudice to the generality of the foregoing no person shall cause or permit any obstruction on or to the approach of the said piers, quays and wharves or within a space of 8 metres (26 feet) wide from the water frontage thereof so as to prevent the mooring and unmooring or loading and unloading of vessels.

Power of removal

37. For the enforcement of byelaws 32 and 36 and without prejudice to the provisions of byelaw 38 the Authority shall have power to remove any vessel, goods, rubbish, article or vehicle so brought, placed or left without consent as aforesaid and to recover the costs of so doing and of berthing or storing the same from the owner or other person having effective control of the same as a civil debt in any court of competent jurisdiction. The Authority shall not, whether such consent shall have been given or not, be or become liable to make good any loss or damage to any vessel, goods, rubbish, article or vehicle so brought, placed or left or removed by them as aforesaid.

Penalties

38. (a) Any person contravening any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.
- (b) Where the commission by any person of an offence under these byelaws is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of an offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.
- (c) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove;
- (i) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence, or
 - (ii) that he had a reasonable excuse for his act.
- (d) If in any case the defence provided by sub-paragraph (c) (i) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

IN WITNESS whereof the Common Seal of the Southern Water Authority was hereunto affixed on the twenty-seventh day of October 1977 in the presence of:

G D NICHOLSON (SGD)
Authorised Officer

The Minister of Agriculture, Fisheries and Food hereby confirms the foregoing Byelaws as modified.

Signed by Authority of the Minister of Agriculture, Fisheries and Food.

C R CANN (SDG)

Date: 13 July 1979

Assistant Secretary in the Ministry of Agriculture, Fisheries and Food.