

# **GLOUCESTER HARBOUR BYELAWS 1997 and 2006**

(as confirmed by the Secretary of State for the Environment, Transport and the Regions on 16 October 1998 and by the Secretary of State for Transport on 10 May 2006)

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# **GLOUCESTER HARBOUR BYELAWS**

The Gloucester Harbour Trustees in exercise of the powers conferred by section 83 of the Harbour, Docks and Piers Clauses Act 1847, article 16 of the Gloucester Harbour Revision Order 1994 and of all other powers them enabling, hereby make the following byelaws.

## **PART 1 – PRELIMINARY**

### **TITLE AND COMMENCEMENT**

1. These byelaws may be cited as the Gloucester Harbour Byelaws 2006 and shall come into operation on the expiration of 28 days from the confirmation thereof by the Secretary of State.

### **APPLICATION**

2. (1) These byelaws apply to the whole of the harbour and shall have effect, so far as consistent therewith, in addition and without prejudice to:
  - (a) any regulations made by the Secretary of State under section 31 (protection of new bridge) of the Severn Bridges Act 1992; and
  - (b) any general direction given by the Trustees or special direction given by the Harbour Master under articles 11 and 12 of the Gloucester Harbour Revision Order 1994.
- (2) The existing limits of the harbour are shown for illustrative purposes only on the plan annexed to these byelaws.

### **INTERPRETATION**

3. In these byelaws, unless the context otherwise requires –

“the Trustees” means the Gloucester Harbour Trustees incorporated by the Gloucester Harbour Order 1890 as confirmed by the Pier and Harbour Orders Confirmation (No.3) Act 1890;

“Collision Regulations” means regulation for the prevention of collisions made under section 85 of the Merchant Shipping Act 1995;

“the harbour” means the harbour of Gloucester within the limits prescribed by article 11 of the Gloucester Harbour Revision (Constitution) Order 2002;

“the Harbour Master” means any person appointed as such by the Trustees and includes authorised deputies, assistants and any other person authorised by the Trustees to act in that capacity;

“line of mean low water springs” means the continuous line at mean low water springs contiguous to both banks of the River Severn and its tributaries;

“main navigation channel” means

- (a) all the contiguous waters of the River Severn downstream of Longney Crib which lie between both lines of mean low water springs including Black Rock and Bull Rock (in the vicinity of 51° 41.8’ north, 2° 29.8’ west) but excluding the channels inshore of Charston Rock and Charston Sands and inshore of Old Mans Head and Dun Sands to New Passage; and
- (b) the waters of the River Wye downstream of the Old Town Bridge crossing the river at Chepstow;

“master” in relation to a vessel means any person (whether the owner, master, pilot or other person and whether lawfully or otherwise) having or taking command, charge, management or conduct of the vessel for the time being;

“owner” in relation to a vessel includes any part-owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

“property” means any property whether real or personal;

“small vessel” means any vessel of less than 20 metres in length overall;

“vessel” means ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily), a hovercraft or any other amphibious vehicle.

## **PART II – NAVIGATION**

### **VESSEL MOVEMENTS**

- 4. The master of a vessel not being a small vessel designed or adapted primarily for navigation in tidal waters shall give prior notice to the Harbour Master or his agent of the vessel’s arrival at, departure from or movement within the harbour.

### **NOTIFICATION OF ACCIDENTS AND DEFICIENCIES ETC.**

- 5. (1) The master of a vessel which –
  - (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded, in the harbour; or
  - (b) is within or about to enter the harbour and by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or

- (c) in any manner gives rise to an obstruction to the main navigation channel;

shall give immediate notice of that fact to the Harbour Master and (as soon as reasonably practical thereafter) provide the Harbour Master with full details in writing.

#### **UNSEAWORTHY VESSELS**

- 6. (1) Where the condition of a vessel is such that it is not or may not be seaworthy, the master of the vessel shall not move the vessel except to clear the main navigation channel or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.
- (2) For the purpose of this byelaw, a vessel is unseaworthy if its presence in the harbour might involve:-
  - (a) grave and imminent risk to the safety of other users of the harbour; or
  - (b) grave and imminent risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels.

#### **DECLARATION OF PARTICULARS OF VESSEL**

- 7. The master of a vessel arriving at the harbour shall, if required by the Harbour Master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draught of the vessel, its last port of call, name and address of owner, destination and particulars of any cargo and/or passengers.

#### **VESSELS TO HAVE COMPETENT HELMSMAN**

- 8. The master of a vessel shall ensure that it is steered at all times by a person competent to do so and no automatic devices or equipment shall be used for steering purposes unless attended by a competent helmsman.

#### **MASTER TO REMAIN ON BRIDGE**

- 9. The master of a power driven vessel under way shall either –
  - (a) be on the bridge or at the control position of the vessel; or
  - (b) ensure that there is on the bridge or at the control position a member of the crew who is capable or taking charge of the vessel and when a pilot is on board, is capable of undertaking the pilot's directions for the conduct of the vessel.

#### **SUFFICIENCY OF CREW**

10. Except with the permission of the Harbour Master, the master of a vessel other than a small vessel shall at all times when that vessel is within the harbour ensure that the vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available –
- (a) to attend to the vessel's moorings;
  - (b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the vessel; and
  - (c) to deal, so far as reasonably practicable, with any emergency that may arise.

#### **SMALL VESSELS NOT TO OBSTRUCT THE MAIN NAVIGATION CHANNEL**

11. The master of a small vessel which is not confined to the main navigation channel shall not make use of the main navigation channel so as to cause obstruction to other vessels which can only navigate within the main navigation channel.

#### **SPEED OF VESSELS**

12. (1) The master of a vessel in the harbour shall not cause or permit the vessel to proceed at a speed greater than 12 knots (6.6 metres per second) through the water.
- (2) This byelaw is subject to byelaw 15 below and the Collision Regulations.
- (3) This byelaw does not apply to any vessel navigating –
- (a) within the main navigation channel during the period of 3 hours either side of high water at Beachley;
  - (b) exclusively by sail;
  - (c) in the harbour while providing safety cover, responding to an emergency, engaged in rescue operations or engaged in training in connection with any of the above operations; or
  - (d) in areas designated in Schedules 1 and 2 to these byelaws in relation to the activities specified therein.
- (4) This byelaw does not apply in relation to any vessel taking part in
- (a) a rally, race, regatta or similar event;
  - (b) a military, naval or civil exercise;
- being held in relation to both (a) and (b) above with the specific permission of the Trustees.

### **VESSELS ADRIFT**

13. The master of a vessel which parts from its moorings shall, as soon as possible, report the same to the Harbour Master.

### **VESSELS NOT TO MAKE FAST TO NAVIGATION AIDS, ETC.**

14. The master of a vessel shall not make fast the vessel to or knowingly cause or permit the vessel to lie against any buoy, beacon or mark used for navigational purposes or any other structure or thing not assigned for the purpose.

### **VESSELS TO BE NAVIGATED WITH CARE AND CAUTION**

15. The master of a vessel navigating in the harbour shall navigate the vessel with care and caution and in such a manner as not to give grounds for annoyance to the occupants of any other vessel nor cause damage or danger to any other vessel, person or property in the harbour nor to the banks of the harbour or any person or property thereon.

### **NAVIGATION UNDER THE INFLUENCE OF DRINK OR DRUGS PROHIBITED**

16. No person shall navigate any vessel in the harbour whilst under the influence of drink or drugs to such an extent as to likely to be, in the reasonable opinion of the Harbour Master, incapable or taking proper control of the vessel.

## **PART III – MISCELLANEOUS**

### **INSPECTION FACILITIES, ETC. TO BE MADE AVAILABLE TO THE HARBOUR MASTER**

17. The master of a vessel shall, so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to his vessel or any part thereof and provide all reasonable facilities for its inspection and examination.

### **LAYING DOWN MOORINGS, BUOYS AND OTHER TACKLE**

18. (1) No person shall lay down any mooring, buoy or similar tackle without a licence or the prior consent in writing of the Harbour Master, nor, except in accordance with such conditions as the Harbour Master may impose.
- (2) The owner of, or any person claiming possession of a mooring, buoy or similar tackle shall remove the same immediately if the Harbour Master so directs.

## **NAVIGATION AIDS**

19. No person shall without lawful excuse alter, tamper with or remove any light, fog signal, buoy, beacon, mark, radar reflector or other object within or adjoining the harbour used as an aid to navigation in the harbour.

## **DISCHARGES INTO HARBOUR PROHIBITED**

20. (1) No person shall discharge any matter or cause or permit any polluting matter to be discharged into the waters or on to the bed of the harbour or place or cause or permit any matter to be placed so that it may fall, be blown, drift or flow into the harbour.
- (2) The provisions of this byelaw shall not apply to -
- (a) the discharge of a vessel's sea toilet or other sanitary appliance;
  - (b) the discharge or escape of any substance the discharge or escape of which is subject to the provisions of the Prevention of Oil Pollution Act 1971;
  - (c) anything specifically authorised by a consent given under any other enactment.

## **DRIFT OR TRAWLING NETS NOT TO OBSTRUCT VESSELS**

21. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including in particular but without prejudice to the generality of the foregoing, any vessel or mooring.

## **NO DRAGGING OR GRAPPLING WITHOUT PERMISSION**

22. No person shall drag, dredge or grapple for any material or article, nor remove the same from the bed of the harbour, without the written consent of the Harbour Master save for the purpose of immediately recovering any article dropped overboard from a vessel.

## **VESSELS TO HAVE NAMES MARKED ON THEM**

23. The owner of a vessel which is not registered either as a ship or as a fishing vessel under the Merchant Shipping Act 1995 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Trustees.

## **ABANDONMENT OF VESSELS PROHIBITED**

24. (1) No person shall abandon a vessel on the banks or shore of the harbour.
- (2) For the purposes of paragraph (1) of this byelaw, the leaving of a vessel on the banks or shore of the harbour in such circumstances or

for such a period that it may reasonably be assumed to have been abandoned shall be treated as abandonment unless the contrary intention is shown.

## **WATER SKIING, AQUAPLANING AND OTHER SIMILAR ACTIVITIES**

25. (1) No person shall engage or take part in water skiing, aquaplaning, water-biking, or any similar activity within the harbour, subject of byelaw 25 (2) below, except:
- (a) aquaplaning, water-biking and similar activities will be permitted in the areas prescribed in Schedule 1 to these byelaws; and
  - (b) water skiing will be permitted in the areas prescribed in Schedule 2 to these byelaws,
- on such reasonable conditions whether specific or general as may be imposed by the Trustees.
- (2) The activities referred to in byelaw 25(1) shall be totally precluded within any part of the main navigation channel 300 metres ahead and astern and 100 metres either side of any vessel which is in passage in that channel.
- (3) The master of a vessel, whilst using the vessel for the purpose of towing a water skier or a person aquaplaning, shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier or person aquaplaning and shall carry –
- (a) for each person on board a life jacket or a personal buoyancy aid;
  - (b) two hand-held distress signals and a fire extinguisher;
  - (c) for each person water skiing or aquaplaning, a rescue quoit with a line or other sufficient hand-thrown rescue device.



## **REGATTAS, RACES AND SIMILAR EVENTS**

26. (1) The person responsible for organising any regatta, race, procession, pageant or any other similar event, or any part of any such event in which a number of vessels is expected to participate or to assemble within the harbour, shall supply to the Harbour Master such information with regard to the event as the Harbour Master may reasonably require and shall seek the prior written consent of the Harbour Master to the holding of the event or the part of such event within the harbour.
- (2) No person shall organise or conduct any of the events referred to in paragraph (1) of this byelaw except on such courses, at such times and in accordance with such other conditions as the Harbour Master may specify for the purposes of this byelaw.

## **ASSISTANCE TO FIRE AND OTHER SERVICES**

27. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

## **FIRE PRECAUTIONS**

28. The master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

## **OBSTRUCTION OF OFFICERS OF THE TRUSTEES**

29. No person shall intentionally obstruct any officer or employee of the Trustees in the execution of his duties.

## **PART IV – GENERAL**

### **PENALTIES**

30. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these byelaws, shall be guilty of an offence and shall be liable on summary conviction –
- (a) in the case of an offence against byelaw 4, 7, 23 or 26 to a fine not exceeding level 2 on the standard scale; and
- (b) in the case of a offence against any other byelaw, to a fine not exceeding level 3 on the standard scale.
- (2) 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 an offence and that other person may be charged with, and convicted of the offence by virtue of this byelaw,

whether or not proceedings for the offence are taken against any other person.

- (3) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove –
- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
  - (b) that he had a reasonable excuse for his act or failure to act.
- (4) If, in any case, the defence provided by paragraph (3)(a) 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 Trustees a notice in writing giving such information identifying, or assisting in the identification of that person as was then in his possession.

Given under the common seal of the Gloucester Harbour Trustees this 17<sup>th</sup> day of March 2006

(Signed) E Dorman  
Chairman

(Signed) R Elsey  
Authorised Officer

Seal No 1/06

The Secretary of State hereby confirms the foregoing byelaws.

Signed on behalf of the Secretary of State for Transport

Dated 10 May 2006

(Signed) P J Carey  
Head of Ports Division  
Department for Transport

## SCHEDULE 1

The areas of the main navigation channel in which aquaplaning, water-biking, or any similar activity are permitted subject to the general provisions of the byelaws:

- 1 On the River Severn between Sharpness Point (reference point SO 667029) and the seaward boundary of the harbour as defined in The Gloucester Harbour Revision (Constitution) Order 2002; and
- 2 On the River Wye between Chepstow Railway Bridge (reference point ST 539941) and Beachley Point (reference point ST 548903).

## SCHEDULE 2

Those areas of the harbour in which water skiing is permitted subject to the general provisions of the byelaws:

- 1 On the River Severn:
  - (a) between Stonebench (reference point SO 796149) and Longney Crib (reference point SO 762117); and
  - (b) within the main navigation channel between Sharpness Point (reference point SO 667029) and the seaward boundary of the harbour, as defined in The Gloucester Harbour Revision (Constitution) Order 2002.
- 2 On the River Wye;
  - (a) between Livox Quarry (reference point ST 543979) and a point north-west of Chepstow Castle (reference point ST 531946); and
  - (b) within the main navigation channel between Chepstow Railway Bridge (reference point ST 539941) and Beachley Point (reference point ST 548903).

## **NOTE**

### **LIMITS OF HARBOUR**

The limits within which the Trustees have authority and within which the enactments relating to the harbour apply as shown on the plan annexed hereto are defined in article 11 of the Gloucester Harbour Revision (Constitution) Order 2002 and comprise the area of the tideway of the Severn estuary to mean high water springs and lying between the following seaward and inward limits, namely:-

The seaward limit

a line from the Welsh shore at Goldcliff in the county of Monmouthshire at reference point ST 337318 181860 due south to the limits of the Port of Bristol as prescribed by Article 3 and Schedule 1 to the Bristol Port and Harbour Revision Order 1972 at reference point ST 337318 176461 and (thereafter coterminous with the limits of that Port) then north-eastward to the beacon on Denny Island at reference point ST 345880 180994 and then to the English shore south of Severn Beach in South Gloucestershire at reference point ST 353680 183720.

The inward limits

- (a) on the River Severn, the foot of the weir at Maisemore in the county of Gloucestershire at reference point SO 381800 221660 on the Western Parting of the river and to the foot of the weir known as Llanthony weir in the City of Gloucester at reference point SO 382185 218200 on the Eastern Parting of the river;
- (b) on the River Wye, the downstream face of Bigsweir Bridge at reference point SO 353870 205100 on the boundary of the County of Gloucestershire and the County of Monmouthshire.

In this note reference points refer to the map co-ordinates on the National Grid used by the Ordnance Survey and are to be construed as if the words “or thereabouts” were inserted after each reference point.