



Byelaws 2003 & 1994

OPS008



Harwich Haven Authority Byelaws

INTRODUCTION

This booklet contains Harwich Haven Authority (HHA) Byelaws 1994 (as amended by HHA Byelaws 2003) and HHA Byelaws 2003.

In following Department for Transport policy all regulations regarding the navigational safety and operations of vessels within the Authority's Area have now been incorporated in the HHA General Directions for Navigation 2003.

HHA General Directions for Navigation 2003 will come into operation 1st July 2003 and supersede the following

HHA Byelaw 1994 – 5	superseded by	Direction – 3(a)
HHA Byelaw 1994 – 6	superseded by	Direction – 3(b)
HHA Byelaw 1994 – 8	superseded by	Direction – 3(c)
HHA Byelaw 1994 – 10	superseded by	Direction – 3(d)
HHA Byelaw 1994 – 13	superseded by	Direction – 6(c)
HHA Byelaw 1994 – 15	superseded by	Direction – 6(a)
HHA Byelaw 1994 – 16	superseded by	Direction – 6(b)
HHA Byelaw 1994 – 17	superseded by	Direction – 3(g)
HHA Byelaw 1994 – 18	superseded by	Direction – 10(c)(ii)
HHA Byelaw 1994 – 19	superseded by	Direction – 10(b)(x)
HHA Byelaw 1994 – 21	superseded by	Direction – 8
HHA Byelaw 1994 – 22	superseded by	Direction – 4(f)
HHA Byelaw 1994 – 23	superseded by	Direction – 4(g)
HHA Byelaw 1994 – 24	superseded by	Direction – 4(h)
HHA Byelaw 1994 – 25	superseded by	Direction – 4(i)
HHA Byelaw 1994 – 26	superseded by	Direction – 4(k)
HHA Byelaw 1994 – 27	superseded by	Direction – 4(i)
HHA Byelaw 1994 – 29	superseded by	Direction – 20
HHA Byelaw 1994 – 31	superseded by	Direction – 6(b)/17(b)
HHA Byelaw 1994 – 33	superseded by	Direction – 19
HHA Byelaw 1994 – 34	superseded by	Direction – 18(a)
HHA Byelaw 1994 – 37	superseded by	Direction – 3(e)
HHA Byelaw 1994 – 38	superseded by	Direction – 3(f)
HHA Byelaw 1994 – 39	superseded by	Direction – 15
HHA Byelaw 1994 – 40	superseded by	Direction – 4(j)
HHA Byelaw 1994 – 41	superseded by	Direction – 4(a)
HHA Byelaw 1994 – 42	superseded by	Direction – 20
HHA Byelaw 1994 – 43	superseded by	Direction – 20
HHA Byelaw 1994 – 44	superseded by	Direction – 20
HHA Byelaw 1994 – 45	superseded by	Direction – 20
HHA Byelaw 1994 – 46	superseded by	Direction – 20
HHA Byelaw 1994 – 49	superseded by	Direction – 10(b)(i)
HHA Byelaw 1994 – 50	superseded by	Direction – 10(b)(xi)
HHA Byelaw 1994 – 53	superseded by	Direction – 10(b)(xiii)

These Byelaws will be revoked in due course.

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BYELAWS - 2003

THE HARWICH HAVEN AUTHORITY in exercise of the powers vested in it by section 83 of the Harbours, Docks and Piers Clauses Act 1847¹ (incorporated by section 15 of the Harwich Harbour Act 1863²), sections 38 and 39 of the Harwich Harbour Act 1974³; section 14 of the Harwich Harbour Revision Order 1984⁴, and all other enabling powers hereby makes the following Byelaws:

PART I – PRELIMINARY

1. Citation and commencement

These Byelaws may be cited as the Harwich Harbour Byelaws 2003 and shall come into force on the expiration of 14 days after the date on which they are confirmed.

2. Application

These Byelaws apply throughout the area of jurisdiction of the Authority comprising the Harbour and the Harwich seaward area.

3. Interpretation⁵

(1) In these Byelaws, unless the context otherwise requires:

“the Authority” means the Harwich Haven Authority;

“the Authority’s area” means the area comprising the Harbour and the Harwich seaward area;

“the Authority’s quays” means any quays which have been constructed or re-constructed by the Authority, and which are owned by the Authority;

“fairway” means a channel which is a regular course or track of shipping, and includes any recommended track for yachts which has been designated by general directions;

“the Harbour” means Harwich Harbour as described in section 4(1)(a) of the Harwich Harbour Act 1974 and extended by section 5 of the Felixstowe Dock and Railway Act 1988, and includes any part of the Harbour as so defined;

“the Harbour Master” means the Harbour Master of the Authority and includes his authorised deputies and assistants and any person

¹ 1847 c.27

² 1863 c.71

³ 1974 c.i. This Act refers to the Authority by its former name. By virtue of section 12(3) of the Harwich Harbour Act 1988 the Act is to be read as referring to the Authority with its present name.

⁴ SI 1984/59

⁵ Users are reminded that legislation referred to in these byelaws may be amended from time to time. The applicable legislation at any time is in the form in which it stands at that time.

authorised by the Authority to act in that capacity; and the following shall be treated as an assistant Harbour Master for the purposes described below:-

- (a) a Pier Superintendent employed by the Authority to regulate activities at Halfpenny Pier, for matters specific only to that pier; and
- (b) any officer of the Authority who is authorised by the Authority to operate Harwich VTS, in circumstances where Masters of vessels are required to give notice or follow directions;

“the Harwich seaward area” means the area described in section 4(1)(b) of the Harwich Harbour Act 1974 and extended by article 3 of the Harwich Harbour Revision Order 1979⁶, section 3 of the Harwich Harbour Act 1988⁷ and article 3 of the Harwich Haven Harbour Revision Order 1993⁸;

“Harwich VTS” means the vessel traffic service operated and authorised by the Authority offering information, traffic organisation and navigational assistance services, as defined in IMO Resolution A857(20)⁹, to vessels within the Authority’s area;

"quay" means any quay, wharf, jetty, pier, dolphin, landing-stage, mooring pile, pontoon or other structure used for berthing or mooring vessels and includes any roll-on/roll-off bridge; and

“vessel” includes every description of water craft including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

PART II – NAVIGATION AND HARBOUR REGULATIONS

4. Speed of Vessels

Except with the permission of the Harbour Master (which may be given specifically or generally), the Master of a vessel navigating in the parts of the Authority’s area specified in column (1) of the following table shall not exceed the speed mentioned in the corresponding entry in column (2): -

⁶ SI 1979/1656

⁷ 1988 c.xxxiv

⁸ SI 1993/1962

⁹ Published by the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR, United Kingdom Tel: +44 (0)20 7735 7611 Fax +44 (0)20 7587 3241 www.imo.org

TABLE

Designated area (1)	Maximum speed (2)
<p>(i) The North, South and Deep Water Channels between -</p> <p>(a) a line extended on a North/South axis through the charted position of No 1 Channel Buoy; and</p> <p>(b) a line drawn between the charted positions of the Platters and Pitching Ground Buoys.</p>	17 knots over the ground
<p>(ii) The Deep Water Channel between -</p> <p>(a) a line drawn between the charted positions of the Platters and Pitching Ground Buoys; and</p> <p>(b) a line drawn between the charted positions of the Cliff Foot and North West Beach Buoys.</p>	12 knots over the ground
<p>(iii) From a line extended through the charted positions of the Cliff Foot and North West Beach Buoys and including the limits of the Harbour, except the area designated in paragraph (iv).</p>	8 knots over the ground
<p>(iv) Any channel abeam of the yacht mooring pontoons and fishing berths at Halfpenny pier.</p>	5 knots over the ground

5. Fishing in fairway prohibited

- (1) No person shall engage in fishing from a vessel within any fairway west of an imaginary line drawn through the charted positions of the Washington Buoy and the No. 1 Channel and No. 2 Channel buoys.
- (2) No person shall lay any lobster pot or similar device or any fixed net to be left unattended –
 - (a) in any fairway within the Authority's area; or
 - (b) at any anchorage designated by the Authority in general directions.

- (3) Any person who lays a lobster pot or fixed net anywhere in the Authority's area shall ensure that throughout the time it is in place it is clearly marked by floats or flags so as to be visible at all states of the tide.

6. Recreational swimming etc.

No person shall dive into, or swim or bathe or otherwise immerse himself in the following parts of the Authority's area: –

- (a) within 10 metres of any berthing pontoon or any section of the main structure of Halfpenny Pier;
- (b) within 10 metres of any berthing pontoon or of any section of the main pier structure of the Boat Harbour at Angel Gate, Harwich.

7. Storage of lobster pots, fishing nets, and other tackle

No person shall place or store lobster pots, fishing nets, or other boat's tackle on the Authority's quays or berthing pontoons except with the permission of the Harbour Master.

PART III - MISCELLANEOUS

8. Penalties

Any person who contravenes any of these Byelaws, or any condition, requirement, instruction or prohibition imposed or given by the Harbour Master in exercise of the powers conferred on him under these Byelaws shall be guilty of an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

9. Responsibility

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.

10. Defence

- (1) 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.
- (2) If, in any case, the defence provided by paragraph (1)(a) above 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.

11. Offence committed by body corporate

Where an offence under these Byelaws which is committed by a body corporate is proved to be committed with the permission or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

12. Revocation

Byelaws 11 and 12 of the Byelaws made by the Authority on 16th September 1994 are hereby revoked.

GIVEN under the Common Seal of the
Harwich Haven Authority this 14th
day of April 2003

Nigel Pryke
Chief Executive

The Secretary Of State For Transport Hereby Confirms the foregoing byelaws

Signed on behalf of the Secretary of State for Transport this 4th day of June 2003.

.....
Stephen K Reeves
Head of Ports Division
Department for Transport

NOTES

(These Notes do not form part of the Byelaws)

1. These Byelaws will be enforced by the Harwich Haven Authority within its area of jurisdiction and by the officers of the Authority duly authorised in that behalf, or by any police constable.
2. Section 38 (3) of the Harwich Harbour Act 1974 provides as follows;- "Without prejudice to any liability of any person for an offence against any Byelaws of the Authority, any person who fails to comply with any direction lawfully given by the Harbour Master under those Byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000 as at April 2003)."
3. Attention is also drawn to the following provisions of the Harwich Harbour Act 1974:-

Section 72 under which it is an offence, punishable on summary conviction by a fine not exceeding level 4 on the standard scale (£2,500 as at April 2003), to obstruct or interfere with the Harbour Master or any officer or servant of the Authority acting in pursuance of the Act of 1974;

Section 73 which empowers a duly authorised officer of the Authority, on producing his authority if so required, to enter and inspect any vessel in the Authority's area of jurisdiction for the enforcement of any enactment relating to the Authority or any Byelaw, or to prevent or extinguish fire;

Section 75 which authorises police constables or responsible officers of the Authority to require persons in, or seeking access to, the Harbour to state their name, address and business, and further authorises police constables to remove disorderly persons from the Harbour, or from any vessel in the Harbour; and

Section 76 under which a person who contravenes any Byelaw is liable in civil proceedings to repay the cost of making good damage to property of the Authority caused by such contravention.
4. Under section 12 of the Aviation and Maritime Security Act 1990 it is an offence punishable with imprisonment for life, for any person, unlawfully and intentionally, to destroy or damage or seriously to interfere with the operation of any property used for the provision of maritime navigation facilities, where the destruction, damage or interference is likely to endanger the safe navigation of any ship.
5. Under the Prevention of Oil Pollution Act 1971 and the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983 it shall be an offence, except in certain circumstances to discharge oil, or a mixture containing any oil, or to allow it to escape in so much of the area of jurisdiction of the Authority as is navigable by sea-going ships.

6. The Felixstowe Dock and Railway Company, Harwich International Port Limited and the Harwich Dock Company Limited have powers to make their own Byelaws and these shall apply, in addition to these Byelaws, in the areas of jurisdiction of these authorities. In addition it should be noted that Byelaws made by the ABP Port of Ipswich shall apply within the adjoining jurisdiction of that authority.
7. These Byelaws do not prejudice the right of the Authority to enforce the provisions of any Act of Parliament or Statutory Order, or any rights in law as owner of harbour works or otherwise, and shall be deemed to be in addition to, and not in derogation from, any such powers.
8. These Byelaws are subject to the provisions of section 41 (Saving rights of the Crown, its lessees, &c.) of the Harwich Harbour Act 1865.
9. By virtue of section 11 of the Interpretation Act 1978 expressions which are defined in the Harwich Harbour Act 1974, but which are not defined in these Byelaws, have the same meanings in the Byelaws as they have in the Act of 1974.
10. The Master of a vessel is responsible for ensuring that he, his vessel and his crew comply with these Byelaws. Failure may constitute a criminal offence.
11. Copies of these Byelaws can be obtained at the offices of the Authority and at the office of the Harbour Master.

BYELAWS 1994 (AS AMENDED)

THE HARWICH HAVEN AUTHORITY in exercise of the powers vested in it by sections 38 and 39 of the Harwich Harbour Act 1974 and all other enabling powers hereby makes the following Byelaws.

PART I – PRELIMINARY

1. Citation and Commencement

- (a) These Byelaws may be cited as the Harwich Harbour Byelaws 1994 and shall come into operation on the expiration of 14 days from the date of confirmation thereof by the Secretary of State for Transport.
- (b) The Byelaws of the Harwich Haven Authority confirmed by the Secretary of State on 13th March 1978 and the Harwich Harbour Byelaws 1984 are hereby revoked without prejudice however to the validity of anything done there under or any proceeding pending or existing.

2. Application

- (a) These Byelaws apply throughout the area of jurisdiction of the Authority comprising Harwich Harbour and the Harwich seaward area as described in section 4 of the Harwich Harbour Act 1974 and extended by the Harwich Harbour Revision Order 1979, the Harwich Harbour Act 1988 and the Harwich Harbour Revision Order 1993.
- (b) The existing area of jurisdiction of the Authority is shown on the plan annexed to these Byelaws.

3. Observance of Byelaws.

It is the responsibility of the Master to ensure compliance by and in respect of a vessel with provisions of these Byelaws which are expressed to require such compliance and, in the event of contravention of any such provision, the Master shall be taken to have contravened the provision.

4. Interpretation

- (a) In these Byelaws, unless the context otherwise requires:

"the Authority" means the Harwich Haven Authority;

"the Authority's area" means the area comprising Harwich Harbour and the Harwich seaward area within the limits of the jurisdiction of the Authority;

"at anchor" in relation to any vessel means anchored either ahead or astern but not moored;

"berthed" in relation to any vessel means secured to a quay or secured alongside a vessel so secured;

"boat" means any open boat, skiff, dinghy, punt, racing hull or canoe, however propelled;

"by day" means between the hours of sunrise and sunset and "by night" shall be construed accordingly;

"the Collision Regulations" means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

"cruiser" means a craft fitted with moderately - powered propulsion unit capable of giving a speed through the water not exceeding 12 knots;

"the Deep Water Channel" means the dredged channel marked by the South Shipwash and the South Threshold buoys at one end and by the Platters and Pitching Ground buoys at the other;

"dredger" means any vessel, whether self-propelled or not, engaged in dredging, excavating, raising, raking or eroding or dispersing silt, sand, clay, stone, rocks or any other material;

"fairway" means a navigable channel which is a regular course or track of shipping, and includes the yacht track as defined on Admiralty charts;

"gross tonnage" in relation to a vessel means the gross tonnage of that vessel as ascertained in accordance with the Merchant Shipping (Tonnage) Regulations 1982 as from time to time amended;

"the Harbour Master" means the Harbour Master of the Authority and includes his authorised deputies and assistants and any person authorised by the Authority to act in that capacity;

"the Harbour" means the area within the limits of jurisdiction of the Authority referred to in Byelaw 2 hereof, and includes any part of the Harbour as so defined;

"the Harwich seaward area" means the area so defined in the Harwich Harbour Acts and Orders 1973 to 1993 as amended from time to time;

"hovercraft" has the same meaning as the Section 4 of the Hovercraft Act 1968;

"hydrofoil vessel" means a vessel, however propelled, designed to be supported on foils;

"large vessel" means any vessel the overall length of which exceeds 180 metres;

"small vessel" means

- (i) any vessel the overall length of which does not exceed 24 metres and the draught of which does not exceed 3 metres; or
- (ii) a sailing vessel being a vessel designed to carry sail as the sole or primary or supplementary means of propulsion;

"Master" in relation to any vessel means any person (whether the Owner, Master, or other person and whether lawfully or otherwise) having or taking command, charge, management or conduct of the vessel for the time being;

"moored" when used in relation to a vessel means a vessel –

- (i) secured to a mooring chain or mooring buoy either ahead or astern or both; or
- (ii) secured alongside any vessel so secured; or
- (iii) secured both ahead and astern by anchors;

"the navigable channel" means the fairway between the western end of Parkeston Quay and the seaward limit of the Harbour as shown on Admiralty charts;

"Owner" in relation to any vessel includes the Agent, Master, Charterer, Manager or other person in charge of the operation of the vessel;

"pleasure craft" means a vessel (other than a vessel carrying more than 12 passengers and a vessel engaged in trade) primarily used for sport or recreation;

"power boat" means a mechanically propelled craft capable of speeds exceeding 12 knots;

"power driven vessels" means any vessel propelled by machinery;

"quay" means any quay, wharf, jetty, pier, dolphin, landing stage, or other structure used for berthing or mooring vessels and includes any roll-on/roll-off bridge;

"regulated vessel" means every vessel having a gross tonnage of more than 50 tons and every vessel licensed to carry more than 12 passengers;

"specified vessel" means a vessel having an overall length exceeding 80 metres which is carrying petroleum spirit or liquid petroleum gas or liquid bulk dangerous cargoes with flammable or toxic properties, or which has discharged any such substances and whose tanks or holds have not been certified wholly free from flammable vapour;

"underway" means that a vessel is not at anchor, made fast to the shore or aground;

"vessel" means every description of vessel however propelled or moved and includes hovercraft, any floating manufactured article, anything constructed or used to carry persons or goods by water and a seaplane on or in the water;

"yacht" means a craft rigged for sailing whether or not fitted with an auxiliary low-powered propulsion unit;

PART II - GENERAL BYELAWS

Applicable to all vessels and craft within the jurisdiction of the Harwich Haven Authority

5. Master to Remain on Bridge

The Master of a power driven vessel underway 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 of taking charge of the vessel and, when a pilot is on board, is capable of taking and acting upon the pilot's advice for the conduct of the vessel.

6. Vessel to have Competent Helmsman

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.

7. Lookout

The Master of a vessel underway in the Authority's area shall ensure that a proper and efficient all round lookout is maintained.

8. Navigation under Influence of Drink or Drugs

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

9. Person under the Age of 16 Years

A person under the age of 16 years shall not act as the Master of a power driven vessel which is capable of exceeding a speed of 8 knots in still water or which, whether so capable or not, is propelled by an engine rated by the manufacturer as producing more than 10 horsepower.

10. Vessels to be Navigated with Care and Caution

No person shall –

- (a) navigate a vessel without care and caution, or at speed or in a manner which, having regard to all the circumstances, endangers the safety of, or causes injury or damage either directly or indirectly to any person or any other vessel, buoy, moorings, banks or the Harbour or other property, or which interferes with navigation, manoeuvring, loading or discharge of vessels; or
- (b) when passing a dredger or a vessel engaged in diving operations, removing a sunken vessel or either obstruction or working at any buoy or

mooring, navigate a vessel at such speed as may cause an unsafe wash effect.

13. Vessels Slipped or Parted from Anchor or Mooring to Report

- (a) The Master of a vessel which has slipped or parted from, or lost, any anchor, chain, cable, or propeller shall as soon as reasonably practicable give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbour Master so directs, shall cause it to be recovered as soon as practicable.
- (b) The Master of a vessel slipping or parting from, or losing, an anchor, chain, cable or propeller shall, where this is reasonably practicable, mark the position of that object with a float.

14. Abandonment of Vessels Prohibited

- (a) No person shall abandon a vessel on the water or shore of the Harbour unless necessary for the safety of the crew.
- (b) For the purposes of paragraph (a) above, a person who leaves a vessel on the water or shore of the harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

15. Vessels Abandoned, Missing, etc. - Duty to Report

- (a) The Master of any vessel which is abandoned, derelict, missing, sunk, in danger of sinking, stranded or drifting without power, shall give immediate notice of the fact to the Harbour Master stating the position of the vessel and such particulars as may be required for the safety of navigation.
- (b) Any person who finds, or has knowledge of a vessel mentioned in paragraph (a) above shall immediately report the information to the Harbour Master.

16. Vessels in Collision, Damaged or On Fire or at Quay which is on Fire to Report

- (a) The Master of any vessel which has been in collision or is on fire or has sustained damage or has caused damage to other vessels or property, and the Master of any vessel which is at a quay which is on fire, shall give immediate notice of that fact to the Harbour Master.
- (b) Where the damage to a vessel is such that it affects, or is likely to affect, her seaworthiness, the vessel shall not be moved except to clear a fairway or moor or anchor in safety, except with the consent of the Harbour Master and in accordance with his directions and such a vessel outside the Harbour shall not enter the Harbour except with the consent of the Harbour Master and in accordance with his directions.

17. Vessel Leaving Dock or Anchorage

A vessel leaving a dock, quay or anchorage shall not do so in a manner which may hazard or impede the movement of any other vessel underway.

18. Vessels to Keep Clear of Deep Water Channel

A vessel which is not confined to the Deep Water Channel by reason of her draught shall keep clear of the Deep Water Channel when necessary to avoid impeding the movement of a vessel which is proceeding in, and by reason of her draught is confined to, that channel.

19. Vessel Entering Navigable Channel

A vessel shall not enter the navigable channel so as to hazard or impede the movement of any other vessel underway in that channel.

20. Power-driven Vessels Proceeding Against Tide in Restricted Channels to Give Way

When proceeding in a fairway in which it is unsafe for two power-driven vessels to pass one another, a power-driven vessel stemming the tide shall give way to any other power-driven vessel proceeding in the opposite direction.

21. Unseaworthy Vessels

(a) No master shall cause a vessel to navigate the Authority's area in an unsafe or unseaworthy condition except as may be necessary in the interests of the safety of such vessel and of her crew.

(b) For the purpose of this Byelaw a vessel is in an unsafe or unseaworthy condition if its presence in the harbour might involve –

- (i) grave and imminent risk to the safety of other users of the harbour; or
- (ii) 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.

21. Vessels not to be Made Fast to Navigation Buoys, etc.

The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes or, without the consent of the owner, any other buoy or mooring.

23. Vessels not to be Made Fast to Unauthorised Objects

No person shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

24. Vessel not to Lie or be Moored so as to Prevent Free Transit of Other Vessels

Vessels shall not be anchored or moored so as to obstruct any fairway of the Harbour or so as to impede the movement of any other vessel and, in any case, no vessel shall anchor in or within 60 metres of a fairway except within an anchorage as shown on a current Admiralty Chart.

25. Vessels to be Properly Berthed

The Master of a vessel which is berthed or lying at a quay shall at all times keep the vessel properly and effectively moored and shall comply with such directions concerning the number, size and position of moorings as the Harbour Master may give.

26. Use of Engines while Vessel is Moored or Berthed

The Master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

27. Vessels Moored

A vessel moored in any part of the Harbour, other than an area designated as a small craft mooring area by the Harbour Master, shall exhibit the lights or shapes required by the Collision Regulations to be exhibited by a vessel at anchor.

28. Lights on hydrofoil

A hydrofoil vessel underway and foil borne shall, in addition to the lights prescribed by the Collision Regulations, exhibit an all-round flashing yellow light by day and by night.

29. Sound Signals - When to be Used

No person shall use the sound signals prescribed in the Collision Regulations or these Byelaws on any other occasion or for any other purpose except those so prescribed or those from time to time authorised by the Harbour Master.

30. Harbour lights

No person shall move, damage or cause to malfunction any Harbour lights, buoys, beacons or any other navigation marks exhibited by, or the property of, the Authority. The Master of any vessel running into, fouling or damaging any such mark shall as soon as reasonably practicable report the same to the Harbour Master.

31. Notice of Escape of Oil

The Master of a vessel from which oil or some dangerous or flammable substance is escaping, or is likely to escape, shall give immediate notice of that fact to the Harbour Master and such a vessel outside the Harbour shall

not enter the Harbour except with the consent of the Harbour Master and in accordance with his directions.

32. No Dragging or Grappling Without Permission

No person shall drag or grapple for any material or article, nor remove the same from the bed of any water area of the harbour, without the consent of the Harbour Master.

33. Discharge of ballast

Except in a case of emergency a vessel is prohibited from discharging water ballast into the Harbour without the consent of the Harbour Master.

34. Towing of Floats, Rafts, Timber or Boats

No person shall tow or navigate a float, pontoon, raft of timber, or flotilla of towed boats exceeding 50 metres in length without the consent of the Harbour Master and in accordance with his directions.

35. Vessels to have Names Marked

The Owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 or the Merchant Shipping Act 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

36. Quays to be Adequately Marked

The Owner or manager of any quay or other fixed obstruction shall mark the quay or obstruction with such lights and signals exhibited at such places and at such times as the Harbour Master may direct.

PART III- REGULATED AND SPECIFIED VESSELS

Applicable to regulated and specified vessels in addition to those General Byelaws as specified in Part II

37. Attendance on Board

The Master of a regulated vessel which is berthed or lying at a quay or at anchor or attached to any mooring device shall not, unless otherwise permitted by the Harbour Master, absent himself from the vessel unless he leaves in charge of the vessel some person or persons on board the vessel who is or are competent to move the vessel and attend to the moorings of the vessel.

38. Vessel to be Kept in a Moveable Condition

- (a) The Master of a seagoing regulated vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the Harbour Master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted, and in such condition, that is it capable of being safely moved.
- (b) Where a regulated vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the Master or owner shall inform the Harbour Master as soon as reasonably practicable and give to him any further information which the Harbour Master may reasonably require.

39. Movement of Specified Vessels

Except with the permission of the Harbour Master and in accordance with such direction as he may give, no person shall navigate a specified vessel in the area of the Harbour between the Guard buoy and the Rolling Ground buoy while there is another such vessel underway in that area.

40. Vessels not to Lie Abreast Without Permission

Regulated vessels shall not lie two or more abreast alongside any quay or mooring or at anchor without the permission of the Harbour Master.

41. Anchoring

No regulated vessel shall anchor without the permission of the Harbour Master except in the case of an emergency to avoid a collision, drifting, running aground or damaging any other vessel or property.

42. Sound Signal on Leaving Quay or Anchorage

- (a) A regulated vessel leaving a dock, quay or anchorage shall signify her intention of leaving by a prolonged blast on her whistle.
- (b) In the case of a regulated vessel not under her own power the tug in attendance shall make the signal prescribed by this Byelaw.

43. Sound Signal on Turning

A regulated power driven vessel underway and about to turn or alter her course by more than 135° in any conditions of visibility shall sound on her whistle four short blasts in rapid succession followed after an interval –

- (a) by one short blast, if turning her head to starboard; or
- (b) by two short blasts, if turning her head to port;

and shall repeat the entire signal during the course of turn as may be necessary to warn approaching vessels.

44. Sound Signal for Power Driven Vessel Aground and Obligation to Report

- (a) A regulated power driven vessel which runs aground shall immediately signify the same by six short blasts in rapid succession on her whistle and shall repeat such signal at short intervals until she shall have exhibited the lights or shapes, or commenced to make the sound signals prescribed by the Collision Regulations to indicate that she is aground.
- (b) The Master of a regulated power driven vessel which has run aground shall immediately report that fact to the Harbour Master.

45. Sound Signal for Power Driven Vessels Unable to Manoeuvre

A regulated power driven vessel underway in any conditions of visibility which is for any reason unable to manoeuvre as required by these Byelaws, shall signify the same to any approaching vessel by a prolonged blast followed by two short blasts on her whistle.

46. Sound Signalling in case of Fire

A regulated vessel which is on fire, or is at a quay which is on fire, shall sound a signal of six or more short blasts followed by a prolonged blast and repeat the signal until the alarm has been raised.

47. Vessels Proceeding with Bow Rudder

- (a) A regulated vessel fitted with a bow rudder, which is proceeding stern foremost, shall by day exhibit from a yard on the main mast two black spherical shapes each not less than 0.6 metres in diameter, placed horizontally not less than 2.4 metres apart and at least 1.8 metres higher than the funnel.
- (b) During such time as a vessel is exhibiting the signal prescribed by paragraph (a) above, the vessel shall comply with the Collision Regulations as if the starboard side were the port side and the port side were the starboard side

PART IV - RECREATIONAL CRAFT

Applicable to all small or recreational craft activities in addition to the General Byelaws contained in Part II

48. Notice of Regattas, etc. to be given to Harbour Master

- (a) The Secretary or other officer responsible for the management of any boat, yacht or sailing club or other organisation promoting an event likely to involve the assembly of more than 10 vessels in the Harbour shall give not less than 28 days' notice thereof to the Harbour Master.

- (b) No person shall organise or conduct any race, regatta, public procession or similar event within the Harbour except on such courses and at such times as may be previously approved by the Harbour Master on an application made for such approval not less than 7 days before the event.

49. Small Vessels to Keep Clear of Berths and Anchorages

A small vessel shall not obstruct or impede the movement of any other vessel in any anchorage or the approach to any berth.

50. Obstructions to Large Vessels

Yachts, cruisers and power boats shall not make use of the navigable channel or approaches to wharves, piers and jetties in such a way as to cause obstruction to large vessels using the Harbour.

51. Water-skiing, Aquaplaning, Paragliding, etc.

- (i) No person shall engage or take part in water-skiing, aquaplaning, paragliding or any similar activity, or in water-biking, jet-ski-ing or the use of any other personal watercraft except with written permission of the Harbour Master, given either specifically or generally, and in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.
- (ii) A Master, whilst using his 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, and shall carry –
 - (a) two hand-held distress signals and a fire-extinguisher and, for each person on board, a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Ship and Boat Builders' National Federation approved type;
 - (b) for each person water-skiing or aquaplaning, a rescue quoit with line or other sufficient hand-thrown rescue device.
- (iii) No person shall engage in kiting or parachute-towing in the Harbour without the consent of the Harbour Master, given either specifically or generally, and in accordance with such reasonable conditions as may be imposed by the Harbour Master.

52. Windsurfing and sail-boarding

No person shall engage in wind-surfing or sail-boarding -

- (a) in a fairway, or
- (b) in any part of the Harbour without care and caution or in such a manner as may result in damage to vessels or other craft moored in the Harbour or may endanger the safety of swimmers.

53. Craft to Keep Clear of Vessels Carrying Dangerous Substances

Without prejudice to the requirements of the Dangerous Substances in Harbours Regulations 1987 all small vessels and pleasure craft are required to keep a minimum distance of 100 metres from any vessel displaying an all round red light by night or by day a red flag in accordance with regulation 8 of those regulations.

PART V - MISCELLANEOUS

54. No Diving Without Permission

No person shall undertake any diving, whether for recreational or commercial purposes, without the advance permission of the Harbour Master.

55. Houseboats

No vessel moored in the Authority's area (other than a vessel bona fide used for navigation) shall be used for the purposes of residence unless it is berthed alongside a frontage where there is direct access from the shore by agreement with the owner of the frontage.

56. Swimming

Swimming within the navigable channel is prohibited except with the consent of the Harbour Master.

57. Penalties

- (1) Any person who contravenes or otherwise fails to comply with any of these Byelaws shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to –
 - (a) in the case of an offence against Byelaw 35, a fine not exceeding level 2 on the standard scale;
 - (b) in the case of an offence against Byelaw 16, 31, 46 or 53, a fine not exceeding level 4 on the standard scale; and
 - (c) in the case of an offence against any other Byelaw, 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 prosecutor 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
Harwich Haven Authority this
16th day of September 1994

Jeffrey Jenkinson M.V.O.
Chief Executive

Signed on behalf of the Secretary of State for Transport this 13th day of February
1995.

P.R. SMITH
An Assistant Secretary in the
Department of Transport

NOTES

(These Notes do not form part of the Byelaws)

1. These Byelaws shall be enforced and carried into effect by the Harwich Harbour Authority within its area of jurisdiction and by the officers of the Authority duly authorised in that behalf, or by any police constable.
2. Section 38 (3) of the Harwich Harbour Act 1974 provides as follows;- "Without prejudice to any liability of any person for an offence against any byelaws of the Authority, any person who fails to comply with any direction lawfully given by the Harbour Master under those byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000 as at September 1994)."
3. Attention is also drawn to the following provisions of the Harwich Harbour Act 1974:-

Section 72 under which it is an offence, punishable on summary conviction by a fine not exceeding level 4 on the standard scale (£2,500 as at September 1994), to obstruct or interfere with the Harbour Master or any officer or servant of the Authority acting in pursuance of the Act of 1974;

Section 73 which empowers a duly authorised officer of the Authority, on producing his authority if so required, to enter and inspect any vessel in the Authority's area of jurisdiction for the enforcement of any enactment relating to the Authority or any byelaw, or to prevent or extinguish fire;

Section 75 which authorises police constables or responsible officers of the Authority to require persons in, or seeking access to, the Harbour to state their name, address and business, and further authorises police constables to remove disorderly persons from the Harbour, or from any vessel in the Harbour; and

Section 76 under which a person who contravenes any byelaw is liable in civil proceedings to repay the cost of making good damage to property of the Authority caused by such contravention.
4. Under section 12 of the Aviation and Maritime Security Act 1990 it is an offence punishable with imprisonment for life, for any person, unlawfully and intentionally, to destroy or damage or seriously to interfere with the operation of any property used for the provision of maritime navigation facilities, where the destruction, damage or interference is likely to endanger the safe navigation of any ship.
5. Under the Prevention of Oil Pollution Act 1971 and the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983 it will be an offence, except in certain circumstances to discharge oil, or a mixture containing any oil, or to allow it to escape in so much of the area of jurisdiction of the Authority as is navigable by sea-going ships.
6. The Felixstowe Dock and Railway Company, Sealink Harbours Limited and the Harwich Dock Company Limited have powers to make their own byelaws and these will apply, in addition to these Byelaws, in the areas of jurisdiction

of these authorities. In addition it should be noted that byelaws made by the Ipswich Port Authority will apply within the adjoining jurisdiction of that authority.

7. These Byelaws shall not prejudice the right of the Authority to enforce the provisions of any Act of Parliament or Statutory Order, or any rights in law as owner of harbour works or otherwise, and shall be deemed to be in addition to, and not in derogation from, any such powers.
8. These Byelaws are subject to the provisions of section 41 (Saving rights of the Crown, its lessees, &c.) of the Harwich Harbour Act 1865.
9. By virtue of section 11 of the Interpretation Act 1978 expressions which are defined in the Harwich Harbour Act 1974, but which are not defined in these Byelaws, have the same meanings in the Byelaws as they have in the Act of 1974.
10. Copies of these Byelaws can be obtained at the offices of the Authority and at the office of the Harbour Master.