

Medway Ports River Byelaws 1991

MEDWAY PORTS AUTHORITY



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November 1991

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Plan of Medway Ports Authority Jurisdiction including prohibited and restricted areas for water skiing.

MEDWAY PORTS AUTHORITY

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Medway Ports River Byelaws 1991

The Medway Ports Authority in exercise of their powers under:-

(a) Section 78 and 79 of the Medway Ports Authority Act 1973, except as relates to Byelaws 45, 46 and 48,

(b) Regulation 43 of the Dangerous substances in Harbour Areas Regulations 1987 so far as they relate to Bye laws 45, 46 and 48 and

(c) any other enabling powers, hereby make the following Byelaws:-

Preliminary

Title and Commencement

1. These byelaws may be cited as the Medway Ports River Byelaws 1991, and shall come into operation on the expiration of one month from the date of confirmation by the Secretary of State for Transport.

Division of part

2. These byelaws are divided into parts as follows:-

- Part I - Interpretation
- Part II - Lights, Daymarks and Signals
- Part III - Navigation
- Part IV - Mooring and Anchoring
- Part V - Petroleum/Methane Vessels
- Part VI - Miscellaneous

3. (1) (a) In these byelaws, unless the context otherwise requires, the following words and expressions shall have the same meaning as in the Medway Ports Authority Act 1973, as amended by article 7 of the Medway Ports Authority Revision Order 1974, that is to say-

“the Authority” means the Medway Ports Authority;

“the docks” means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description and of whatever nature which are for the time being vested in or occupied by the Authority, and "dock" shall be construed accordingly;

“the harbour master” means the harbour master appointed by the Authority and includes his authorised deputies and assistants and any person authorised by the Authority to act in that capacity;

“the Medway approach area” means the area bounded by an imaginary line drawn straight from the London Stone on the east side of Yantlet Creek on a bearing 86 degrees reckoned clockwise from the true north point of the compass until Warden Point in the Isle of Sheppey bears 166 degrees reckoned as aforesaid to the level of high water on the Kent bank of the River Thames, thence in a northwesterly direction along the level of high water to Garrison Point, thence straight across the river Medway on a bearing 305 degrees reckoned as aforesaid to Dolly Bank, and thence in a northwesterly direction along the level of high water to the London Stone herein before described;

“the owner” when used with reference to any vessel includes the owner, agent, master, charterer or other person in charge of the vessel and when used with reference to goods includes the owner, agent, consignor, shipper, consignee or other person in charge of the goods and their respective agents in relation thereto;

“the Port” means the areas shown on the plan at the back of these Bye-laws. The Port is defined in the "Medway Ports Reorganisation Scheme 1968" as extended by "The Medway Ports Authority Harbour Revision Order 1989".

- (2) The definitions in Rules 3 (except paragraphs (a) and (e) thereof), 21 and 32 of the Collision Regulations shall apply for the interpretation of these byelaws.
- (3) The following words and expressions shall have the several meanings hereby assigned to them:-

“at anchor” when used in relation to a vessel means anchored otherwise than anchored both ahead and astern;

“berthed” when used in relation to a vessel means secured to a wharf, pier, quay, pontoon, stage, jetty, dolphin or river wall or bank or secured to any other vessel so secured;

“boat” means any open boat, skiff, dinghy, punt, racing hull or canoe, whether propelled by mechanical power, sail, oars or other means;

“by day” means between the hours of sunrise and sunset;

“by night” means between the hours of sunset and sunrise;

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

“commercial craft” means any vessel whether self propelled or not which is engaged in trade, capable of carrying passengers or goods, or attending on vessels, craft, floating plant or works for remuneration;

“daymark” means any flag, burgee, pendant, ball, shape, cone, cylinder, drum or any other object whatsoever of such colour, form, dimensions or character as are prescribed by these byelaws to be exhibited by day whether singly or in combination by any vessel as a visual signal;

“dredger” means any vessel, whether self-propelled or not, engaged in dredging, excavating, raising, raking, breaking, drilling, boring, screwing or eroding or dispersing sand or other material;

“fairway” means a navigable channel which is a regular course or track of shipping and, in particular, between the Eastern limit of the Medway Approach area and the Rochester Railway Bridge, means the navigable channel marked, dredged, and maintained by the Authority;

“floating structure” means any non-propelled flat, raft, pontoon, caisson, floating elevator, floating dock, floating crane, floating derrick, salvage lighter or houseboat;

“harbour craft” means any vessel which is normally employed within the Port or the Medway approach area for the carriage of goods or passengers or for towing, attending on ships, floating plant, construction works, wharves, jetties, or for patrolling or inspection duties;

“high speed channel” means any channel which the Authority shall authorise for use by hydrofoil vessels or hovercraft; “hovercraft” has the same meaning as in the Hovercraft Act 1968.

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

“lighter” means any dumb barge, or other like craft, without

motive power, which is used for the carriage of goods. A sailing barge shall be deemed to be a lighter when her mast and gear are lowered on deck;

“master” when used in relation to any vessel means any person having the command, charge or management 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 at a recognised mooring approved by the harbour master,
- or
- (ii) secured alongside any vessel so secured or
- (iii) secured both ahead and astern by anchors in a position approved by the harbour master;

“officer” means any officer of the Authority;

“pleasure craft” means any vessel or boat whether self propelled or not, not engaged in or capable of commercial activities;

“potential speed” means the greatest speed of which a vessel is capable when in good and efficient condition mechanically and otherwise and unaffected by tidal streams, current, winds or other external forces;

“speed boat” means any boat or other small craft including water-bikes, propelled by mechanical power either directly or indirectly and fitted inboard or outboard, designed to attain a potential speed in excess of 15 knots in still water;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hovercraft or hydrofoil vessel;

“vessel” means every description of vessel, however propelled or moved, and includes a hovercraft, a hydrofoil vessel, anything constructed or used to carry a person, or persons or goods by water and a seaplane on or in the water;

“petroleum ship” means a vessel which:-

- a) has onboard or is about to take onboard petroleum spirit as cargo;
- b) has discharged petroleum spirit and whose holds or tanks have not been rendered free from flammable vapour to the satisfaction of the harbour master.

“petroleum barge” shall have the same meaning as a “petroleum ship”.

“methane ship” means any ship classified by a competent

and recognised classification Society approved by the Authority for the carriage of liquid methane which:-

- (a) has onboard or is about to take onboard, a cargo the whole or part of which consists of liquid methane, or
- (b) has discharged liquid methane but whose holds or tanks have not, to the satisfaction of the harbour master, been certified wholly free from flammable vapour by a person accepted by the Authority as competent so to certify.

“Liquid Methane” means natural gas which has been reduced by cooling or by a combination of both cooling and compression to a liquid form and which contains not less than 50 per cent of methane.

“petroleum” includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances, and other products of petroleum.

“petroleum Spirit” means petroleum spirit within the meaning of section 23 of the Petroleum (consolidation) Act 1928.

- (4) The Interpretation Act 1889 shall apply for the interpretation of these bye laws as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these byelaws were an Act of Parliament and the byelaws revoked by byelaw 62 of these byelaws were Acts of Parliament thereby repealed.
- (5) The marginal notes to these byelaws are inserted for convenience of reference only and shall not in any manner affect the construction, or meaning or affect anything contained in the byelaws.

Application of Byelaws 4. These byelaws shall apply in the Port and in the Medway approach area.

Prevention of Collision Regulations to be observed 5. The Collision Regulations shall apply in the Port and in the Medway approach area, provided that pursuant to Rule 1 (b) thereof, where there is conflict between the said regulations and these byelaws the latter shall prevail.

Harbour Craft 6. The master of any harbour craft which on account of her special construction is unable to position lights or daymarks in the manner laid down in these byelaws shall comply therewith as closely as the construction of the said harbour craft permits.

Lighters and floating structures underway

7. (1) The master of a lighter or floating structure underway by night (unless being pushed ahead) shall exhibit a WHITE all-round light with an intensity so as to be visible at a minimum range of two miles:-

Provided that:-

(a) if more than one lighter is being towed, a light of that description shall not be exhibited on every lighter in the tow but only on the stern of that lighter which projects furthest astern in the tow, or, if two or more lighters project equally far astern in the tow, on the stern of that one of those lighters which is on the port side of the tow;

(b) if a lighter is being moved by another vessel secured alongside, the light shall be exhibited on that side of the lighter which is away from the other vessel.

(2) When one or more lighters is or are being pushed ahead by night (whether or not the lighter or lighters and the pushing vessel are rigidly connected in a composite unit):-

(a) the lighter (or, if more than one, the forward-most of the lighters being pushed ahead) shall, instead of the lights prescribed by the Collision Regulations, exhibit a masthead light forward at a height above the hull of not less than one metre;

and

(b) the pushing vessel shall, instead of the lights prescribed by the Collision Regulations exhibit:-

(i) a masthead light abaft of and higher than that exhibited in accordance with sub-paragraph (a) above;

(ii) sidelights; and

(iii) a sternlight.

Vessels Moored

8. (1) Subject to the following paragraph, the master of a moored vessel which is not:-

(a) a lighter, or

(b) permanently moored fore and aft close to the river-bank, or

(c) less than 20 metres in length, shall exhibit the lights or shapes required by the Collision Regulations to be exhibited by a vessel at anchor.

(2) The master of a moored vessel of less than 20 metres in length and a berthed vessel shall if the harbour master so directs exhibit by night the lights required by the Collision Regulations to be exhibited by a vessel at anchor.

Bridges

9. (1) When the arch or span of a bridge is closed to navigation the person in control of the bridge shall suspend from the centre of that arch or span:-

- (a) by day, three RED discs 0.6 metres in diameter at the points of an equilateral triangle of length of side 1.8 metres with the apex downwards and the base horizontal;
- (b) by night three RED lights in similar positions to the discs exhibited by day.

(2) When the head room of an arch or span of a bridge is reduced from its usual limits, but that arch or span is not closed to navigation, the person in control of the bridge shall suspend from the centre of that arch or span by day a bundle of straw or suitable alternative as agreed by the harbour master large enough to be conspicuous and by night a WHITE all-round light.

Bow Rudder

10. The master of a vessel fitted with a bow rudder, when being navigated stern foremost, shall by day exhibit from a yard on the main mast two BLACK spherical shapes 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. During such time as a vessel is exhibiting this signal, such vessel shall comply with the Collision Regulations as if she were being navigated bow foremost and for this purpose the starboard side shall be deemed to be the port side and the port side the starboard side.

Vessels engaged in diving

11. (1) The master of a vessel engaged in diving operations, underwater work, removing a sunken vessel or other obstruction, or working at any buoy or mooring, in addition to the shapes required to be exhibited by the Collision Regulations, shall by day exhibit conspicuously a RED flag not less than one metre square in a position as close as possible to the diver's point of entry into the water. Such vessel may exhibit the International Code Signals, IR or RY as appropriate.

(2) The master of a vessel engaged in diving operations shall by night exhibit, in addition to the lights required to be exhibited by the Collision Regulations, in a conspicuous position an illuminated rigid replica of the International Code Flag "A" not less than one metre in height.

Deep Draughted Vessels

12. The master of a vessel having a draught:-

(a) of 9.14 metres (30 feet) or more shall exhibit the lights and shapes prescribed by the Collision Regulations for a vessel constrained by her draught;

(b) of 5.63 metres (18 feet 6 inches) or more shall exhibit the lights and shapes as in paragraph (a) above when navigating upstream of Oakham Ness Jetty.

Hydrofoil Vessels and Hovercraft	<p>13. (1) The master of a hydrofoil vessel underway shall exhibit by night the lights required by the Collision Regulations to be exhibited by an air-cushion vessel operating in the non-displacement mode.</p> <p>(2) A hydrofoil vessel underway and an air-cushion vessel when operating in the non-displacement mode shall exhibit by day an all-round flashing YELLOW Light.</p>
Application of IALA Maritime Buoyage System "A"	14. Wrecks and other navigational obstructions shall be marked by the owner in accordance with the International Association of Lighthouse Authorities Maritime Buoyage System "A".
Sound Signals - when to be used	15. No person shall use the sound signals referred to in these byelaws on any other occasion or for any other purpose except those herein specified or those from time to time authorised by the Authority.
Power driven vessel turning	16. The master of a power driven vessel underway and about to turn and whilst turning round shall sound on her whistle at intervals of not more than two minutes four short blasts in rapid succession, followed if turning her head to starboard, by one short blast, or, if turning her head to port, by two short blasts.
Power driven vessel aground gives six short blasts	17. The master of a 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.
Sound Signal for a power driven vessel unable to manoeuvre	18. The master of a power driven vessel underway by day or by night which is for any reason unable to manoeuvre as required by these bye laws, shall signify the same to any approaching vessel by a prolonged blast followed by two short blasts on her whistle.
Vessels entering a fairway	19. The master of a power driven vessel about to enter a fairway from a creek, dock, basin, lock, wharf, jetty, pier, quay, moorings, or anchorage shall sound one prolonged blast on her whistle.

Navigation

Notice of arrival, departure or movement

20. The master of a vessel which trades to sea or carries cargo or passengers within the Port or Medway approach area shall give prior notice to the harbour master of that vessel's arrival, departure or movement.

Master to remain on bridge

21. The master of a power driven vessel underway shall either be on the bridge or control position of the vessel himself or ensure that there is on the bridge or control position a member of the crew who is capable of taking command of the vessel and, when a pilot is on board, is capable of understanding the pilot's directions.

Vessels to be navigated with care and caution

22. No person shall navigate a vessel

(1) without care and caution, or at a speed or in a manner which, having regard to all the circumstances at the time, including weather conditions and the type, condition and use of other vessels under way, berthed or moored, or which might reasonably be expected to be underway, berthed or moored, endangers the safety of, or causes injury or damage to any person, any other vessel, buoy, moorings, banks of the Port or the Medway approach area or any other property.

(2) without reducing speed and wash effect to a safe level before passing a dredger or a vessel engaged in diving operations, underwater work, removing a sunken vessel or other obstruction or working at any buoy or mooring.

(3) without the written permission of the harbour master, and subject to paragraphs (1) and (2) above at a speed exceeding

(a) six knots through the water Westwards of the longitude of Folly Point,

(b) eight knots through the water in Queenborough Harbour, within the area between a line joining Swale Ness and Queenborough Point and a line drawn 270 degrees from Long Point to the shore,

(c) eight knots through the water South of Kingsferry Bridge,

(d) provided that this byelaw shall not apply:-

(e) where the vessel is being used for fire, rescue, ambulance, law enforcement or police purpose or the purpose of the Authority's harbour service, if the observance of the byelaw would be likely to hinder the use of the vessel for the purpose for which it is being used on that occasion.

Power driven vessels navigating against the tidal stream

23. The master of a power driven vessel navigating against the tidal stream shall, if necessary;

(a) reduce speed or stop his vessel so as to allow any vessel navigating with the tidal stream to pass clear of his vessel.

(b) on approaching a bridge reduce speed or stop his vessel in order to avoid risk of collision with another vessel or another vessel and her tow navigating with the tidal stream and approaching or passing under the same bridge.

Small vessels not to obstruct fairway

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

Notice to be given of position of sunken vessel

25. The master of a vessel which has sunk or has grounded shall as soon as reasonably practicable give to the harbour master notice thereof and of the position of such vessel and such particulars as may be required for the safety of navigation.

Notice to be given of incidents

26. The master of a vessel which has been in collision, or on fire, or has sustained damage or which has caused damage to other vessels or property shall give as soon as reasonably practicable notice of the incident to the harbour master, and, where the damage to a vessel is such that it affects or is likely to affect her seaworthiness, the master thereof shall not move the vessel, other than to clear the fairway and moor or anchor in safety, except with the permission of the harbour master and in accordance with his directions.

Notice to be given of damaged vessels

27. The master of a vessel which has sustained damage outside the Port or the Medway approach area which affects or is likely to affect her seaworthiness, or from which oil or some dangerous or flammable substance is escaping or is likely to escape, shall give notice thereof to the harbour master and the vessel shall not enter the Port or the Medway approach area, except with the permission of the harbour master and in accordance with his directions.

Manning of lighters

28. The person in charge of a lighter which is being moved otherwise than by a power-driven vessel for a distance of more than 200 metres shall have the assistance of at least one other person if the lighter has a gross tonnage of more than 30 tons but less than 90 tons, and he shall have the assistance of at least two other persons if the lighter has a gross tonnage of 90 tons or more.

Prohibition of nuisance

29. No owner or master of a vessel shall permit such vessel to give reasonable grounds for annoyance by reason of noise or emission of fumes or smoke.

Occupants to be properly seated

30. The master of a speed boat shall at all times be properly seated at the driving control position and shall ensure that every other person in any part of the vessel which is not covered is safely seated and also shall not allow any person to ride or sit on the gunwales or decking of such vessel when underway.

**Water ski-ing
aqua-planing
para-kiting
and water
biking**

31. (1) No person or persons shall engage or take part in water ski-ing, aqua-planing, para-kiting, water-biking or similar airborne or waterborne activity except in the following areas:-

(a) Folly Point to the Medway Buoy, in those waters lying not less than 60 metres outside of the fairway, but not including the recognised anchorage areas and approaches thereto in the Great and Little Nore, or those waters to the South of Stangate Spit light buoy, Lat 51 degrees 25.4'N, Long 00 degrees 41.6'E including the whole of Stangate and Sharfleet Creeks. In addition the waters of Stoke and Colemouth Creek are declared as prohibited areas.

(b) In the swale in or on the area bounded to the North by a line in a direction 309 degrees from Long Point, Lat 51 degrees 24'85"N, Long 00 degrees 43'42"E, to Tailness Marshes, and to the South by a line at right angles to the Fairway and situated 150 metres North of Kingsferry Bridge.

(c) No person other than a member of a club approved by the harbour master shall engage in these activities in the area between the M2 Motorway Bridge and the notice board indicating the upstream limit at Halling.

(2) The owner or master of a vessel towing a person water skiing, aqua-planing, para-kiting or similar airborne or waterborne activity shall ensure that there are on board the vessel:-

(a) at least two persons able to take charge of the vessel and to give such assistance as may be reasonably required during the towing;

(b) a lifejacket or buoyancy aid for each person on board; (c) distress signals comprising two red hand flares and two hand held orange smoke signals.

(3) No owner or master of a vessel having an internal combustion engine and used in connection with water ski-ing, aqua-planing, para-kiting water biking or similar airborne or waterborne activity shall so use the vessel without first ensuring that it is fitted with a silencer expansion chamber or other contrivance suitable and sufficient for reducing so far as may be reasonable the noise caused by the escape of exhaust gases from the engine.

(4) No master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of any of the provisions of this byelaw.

Navigating whilst under the influence of drink or drugs

32. (1) No person shall navigate or attempt to navigate a vessel when unfit by reason of drink or drugs to do so.

(2) No master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this byelaw.

Freeboard on lighters

33. (1) This byelaw shall not apply to a lighter which is being loaded or discharged.

(2) No person shall cause or permit any part of:-

(a) the top of the gunwale of a lighter without coamings to be less than 0.35 metres above the water; or

(b) the top of the coamings of an undecked or unhatched lighter to be less than 0.35 metres above the water, or the top of the gunwale to be less than 0.15 metres above the water, or

(c) the top of the coamings of a hatched or decked lighter to be less than 0.35 metres above the water, or the top of the gunwale to be less than 0.075 metres above the water.

Hydrofoil vessel and hovercraft to use authorised channels

34. The master of a hydrofoil vessel or hovercraft when underway shall make use of such high speed channels as are authorised by the Authority.

Restrictions on towing and pushing

35. (1) This byelaw shall not apply in respect of a towing operation carried out over a distance of 1,000 metres or less.

(2) No master of a power-driven vessel shall cause or permit his vessel to:-

(a) tow a vessel when pushing another vessel ahead;

(b) push a vessel when towing another vessel alongside;

(c) push ahead more than one vessel at a time, except

where:-

(i) the vessels being pushed are abreast of and made fast to one another and do not together exceed 24 metre in width; and

(ii) Those vessels are made fast to the pushing vessel;

(d) tow alongside more than one vessel at a time, except where the towing vessel and the vessel being towed do not together exceed 24 metres in width;

(e) tow any vessel alongside upstream of the Paper Mill at Snodland.

(3) No master of a power-driven vessel shall cause or permit his vessel to tow astern more than six vessels, other than dinghies, and when towing vessels astern, shall cause or permit:-

- (a) the distance between the stern of the towing vessel and the stern of the aftermost vessel in the tow to exceed 140 metres.
- (b) the number of vessels towed abreast of one another to exceed three;
- (c) the total of the widths of any vessels towed abreast of one another to exceed 24 metres.

**Passing
Dangerous
Goods Vessels**

36. The master of a vessel shall keep at least 30 metres from a vessel flying Flag B of the International Code of Signals or a red light and shall pass such vessels at as low a speed as possible.

Mooring and Anchoring

Part IV

- Moorings to be tended** 37. The master of a vessel which is berthed or moored shall ensure that such vessel is securely made fast and that the moorings are adjusted as necessary to allow for the rise and fall of the tide and for the loading and unloading of cargo.
- Vessels berthed to be laid close alongside** 38. The master of a vessel which is berthed shall ensure that the vessel is laid as close as possible alongside the land or premises at which she is berthed and that neither the vessel nor her moorings obstruct other vessels, nor hamper the use of a dock entrance, pier, wharf, quay or jetty.
- Engines not to be used** 39. The master of a vessel which is berthed or moored shall ensure that her engines are not worked in such a manner as to cause damage to moorings or other property.
- Vessels not to anchor in a fairway** 40. Except in an emergency, the master of a vessel shall not anchor in a fairway or in any other area which has been designated a prohibited anchorage by the Authority as shown on the Admiralty Chart.
- Master to apply for berth** 41. On arrival of a vessel intending to moor, the master shall forthwith apply to the harbour master for a mooring.
- Securing to buoys and marks** 42. No person shall make a vessel fast to or tamper with any navigational buoy, light, beacon, seamark or tideboard.
- Private moorings** 43. No person shall lay down or maintain a mooring without the permission of the harbour master and all such moorings shall be to such specification and in such a position as the harbour master shall deem fit, and vessels moored shall be removed forthwith if the harbour master so directs.
- Berthing alongside other vessels** 44. No vessel shall berth outside another vessel or impede the navigable channel without the permission of the harbour master.

Petroleum Spirit/ Methane Vessels - Bad visibility

45. (i) A petroleum ship or barge or methane ship shall not commence or resume a voyage from any point in the Medway in fog, mist, falling snow, heavy rainstorms or other exceptional conditions affecting visibility.

(ii) If a petroleum ship or barge or methane ship being navigated on the Medway is overtaken by fog, mist, falling snow, heavy rainstorms, or other exceptional conditions affecting visibility, the master shall as soon as practicable anchor or moor in the most convenient position clear of the navigable fairway, but the ship or barge shall, proceed on her voyage immediately the conditions affecting visibility have cleared or ceased.

Berthing of Petroleum Vessels

46. (1) The master of a petroleum ship shall anchor or moor his ship only at such places as the harbour master shall direct and shall not move his ship from berth to berth except by permission or by order of the harbour master.

(2) Except for the purpose of transhipment, the master of a petroleum ship shall ensure that the ship does not lie within 30 metres (98.43 feet) of any other ship unless authorised by the harbour master.

(3) The master of a petroleum ship shall ensure that the ship is secured at all times with moorings of sufficient strength and number for the size of the petroleum ship and local conditions and that such moorings are kept under surveillance at all times.

(4) The master of a petroleum ship, whilst the ship is at a berth, shall provide towing wires of sufficient strength secured to the off-shore bow and quarter bollards with the towing eyes maintained at water level.

(5) The master of a petroleum ship shall, unless the Harbour master has otherwise permitted in writing, ensure that the vessel remains afloat at all times.

Miscellaneous

Part V

Harbour master's powers to inspect vessels

47. (1) The master of a vessel shall whenever so required by the harbour master:-

(a) afford him all reasonable facilities for the inspection and examination of the vessel in order that the harbour master may ascertain whether these byelaws are being duly observed;

(b) provide information concerning the vessel's normal berth and port and the name and address of the master and of the owner of the vessel.

(2) Where the harbour master has reasonable cause to believe that a person on board or concerned with a vessel has committed an offence under these byelaws he may require that person to give his or her name and address to the harbour master forthwith.

Notifying radioactive cargoes

48. The master of a vessel with a cargo containing nuclear fuel or other radioactive matter shall not enter or leave the Port or the Medway approach area unless the master or owner has previously obtained the permission of the harbour master.

Notifying anchor, cable, propeller or rudder

49. (1) The master of a vessel which has lost, slipped or parted from any anchor, cable, propeller or rudder shall as soon as reasonably practicable give to the harbour master notice thereof and if possible, of the position of such anchor, cable, propeller or rudder, and, if the harbour master so directs, shall cause such anchor, cable, propeller or rudder to be recovered as soon as practicable.

(2) The master of a vessel which has slipped or parted from her anchor shall leave a buoy to mark the position of such anchor.

Vessels have name marked thereon

50. The master of a vessel shall ensure that the vessel's name or other means of identification is clearly painted or otherwise marked thereon.

Competent person to be in charge

51. The master of a vessel which trades to sea or carries cargo or passengers within the Port or Medway approach area shall:-

(a) not absent himself from such vessel unless he leaves in charge thereof some person who shall continue in attendance on the vessel and is competent to shift or move the vessel and attend

to the moorings of the vessel as the harbour master directs or as may be necessary.

(b) ensure that there are sufficient crew on board to attend to these requirements.

Disorderly persons

52. No person shall behave in a disorderly manner on any premises or property of or under the control of the Authority.

Boat races regattas

53. (1) The organiser of any boat race, regatta public procession or similar event, when a number of vessels are expected to assemble on the waters of the Port or Medway approach area shall give not less than twenty-eight days notice thereof to the harbour master.

(2) The organiser shall ensure that the event is conducted subject to the harbour master's conditions and on courses and at times previously approved by the harbour master.

No dragging or grappling without permission

54. No person shall drag or grapple for any material or article nor remove the same from the bed of the Port or the Medway approach area without the written consent of the harbour master.

Drift or trawling nets not to obstruct other vessels

55. 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 any vessel or mooring.

Rubbish not to be thrown into the Port area or on shore

56. No person shall throw or cast, or cause or permit to be thrown or cast, any dirt, rubbish, soil, ashes, plastic or other matter, or put or cause or permit or allow any offensive or injurious matter or thing, whether solid, liquid or gas to fall or flow into the Port or upon the shores of any part thereof. The provisions of this byelaw shall not apply to a vessel's sea toilets nor to 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.

No vessel to be abandoned upon the shore

57. No person shall abandon a vessel upon the shore of any part of the Port or Medway approach area without the consent of the harbour master.

No vessel to be broken up or destroyed without consent of harbour master

58. No person shall set fire to or destroy or break up a vessel or wreck in the Port or Medway approach area except with the prior permission of the harbour master and in such a position as may be approved by the harbour master in writing.

Mooring of houseboats for residential purposes

59. The owner of a houseboat or pleasure craft used for residential purposes shall not moor or berth such craft in the Port or the Medway approach area, provided that nothing in this byelaw shall prevent any houseboat or pleasure craft used for residential purposes from berthing alongside a frontage where there is direct access from the shore and the agreement of the owner and occupier of the frontage has been obtained.

Defences and ancillary provisions

60. Except in relation to Byelaws 45, 46 and 48,

(1) where the commission by any person of an offence under these bye laws 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 the offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.

(2) In any proceedings for an offence under these byelaws, it shall be a defence for the person to prove:-

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; and

(b) that he had a reasonable excuse for his act or failure to act.

(3) If in any case the defence provided by paragraph (2) (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, not less than 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.

Revocation of byelaws

61. From and after the date of the coming into force of these byelaws, the Medway Ports River Byelaws 1979 shall be revoked.

**The Common Seal of the
Medway Ports Authority
was hereunto affixed**



L.S.

on 30th January 1991
in the presence of
(Member) L W Brown
(Secretary) K S Middleton

The Secretary of State for Transport, after consulting the Health and Safety Commission in respect of Byelaws 45, 46 and 48, hereby confirms the foregoing byelaws as modified.

Signed by authority of the Secretary of State

M.W. JACKSON
An Assistant Secretary in the
Department of Transport
15th October 1991

NOTE:

A person who contravenes any of these Byelaws is guilty of an offence and liable on summary conviction to a fine as follows:-

(a) for the contravention of Byelaw 50, not exceeding level 2 on the standard scale, and,

(b) for the contravention of any other Byelaw, not exceeding level 3 on the standard scale,

and, in the case of a continuing offence, a further fine not exceeding £10 for each day during which the offence continues after conviction therefor (section 81 (2) of the Medway Ports Authority Act 1973)

The provisions of section 81 (2) of the Medway Ports Authority Act 1973 (Penalties and fines) and of Byelaw 60 (Defences) do not apply to Byelaws 45, 46 and 48, which are subject to the Dangerous Substances in Harbour Areas Regulations 1987 and the Health and Safety at Work etc. Act 1974.

Medway Ports Authority
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