

# Chichester Harbour Conservancy



## BYELAWS

*relating to vessels entering,  
using or leaving the Harbour*

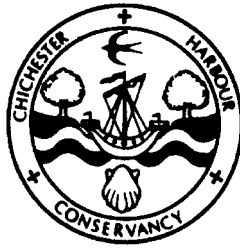
and

## NOTES FOR GUIDANCE OF HARBOUR USERS

Conservancy Office  
County Hall, Chichester

1996

# Chichester Harbour Conservancy



## BYELAWS

### *relating to vessels entering, using or leaving the Harbour*

THE CHICHESTER HARBOUR CONSERVANCY in exercise of the powers conferred on them by, and after consultation with the constituent councils and the Sussex and Hampshire River Authorities in accordance with section 83 of the Chichester Harbour Conservancy Act 1971, section 83 of the Harbours, Docks and Piers Clauses Act 1847 as applied by section 4 of the said Act of 1971 and of all other powers enabling them in that behalf, HEREBY MAKE the following byelaws to be observed in Chichester Harbour.

## PRELIMINARY

- Citation 1. These byelaws may be cited as The Chichester Harbour Byelaws, 1973.
- Commencement and Revocation 2. (a) These byelaws shall come into operation on the expiration of one month from the date of the confirmation thereof by the Secretary of State as from which date the byelaws made in 1947 and 1961 by the Mayor, Aldermen and Citizens of the City of Chichester acting by their council in respect of Chichester Harbour as defined in section 4(2) of the Chichester Corporation Act 1938 and the Emsworth Harbour Byelaws 1963 are hereby revoked.
- (b) The Interpretation Act 1889 shall apply for the interpretation of these byelaws 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that Act these byelaws were an Act of Parliament and the byelaws revoked by byelaw 2(a) were Acts of Parliament thereby repealed.
- Interpretation 3. The following words and expressions shall have the meanings hereinafter assigned to them, namely:-
- ‘the harbour’ means the Chichester Harbour as described in section 82 of the Chichester Harbour Conservancy Act 1971, and indicated on the attached map;
- ‘the Conservancy’ means the Chichester Harbour Conservancy constituted in accordance with section 5 of the Chichester Harbour Conservancy Act 1971;
- ‘the Harbourmaster’ means the Harbourmaster appointed by the Conservancy or any other officers appointed by the Conservancy for securing the observance of these byelaws and includes his or their duly authorised assistants;
- ‘the master’ when used in connection with a vessel means any person, whether the owner or not, having

or taking command, charge or management of the vessel for the time being;

‘vessel’ includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon, hovercraft, hydrofoil vessel and craft of any kind howsoever navigated, propelled or moved and any seaplane on the surface of the water, save that in byelaw 18 it shall not include a seaplane;

‘power driven vessel’ includes any vessel propelled by machinery;

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

## BYELAWS RELATING TO NAVIGATION

Vessels to be navigated with care and caution

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

Speed of vessels

5. The master of any power-driven vessel shall not, subject to the requirements of maintaining adequate steerage way and control, suffer or cause her to be navigated or driven in the harbour at a speed exceeding eight knots through, on or over the water, unless the consent in writing of the Harbourmaster has previously been obtained. Provided that this byelaw shall not apply to any vessel on any occasion when it is being used for Conservancy, police, fire-fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it was being used on that occasion.

Avoidance of dredging,  
diving and other works

6. The master of a vessel shall cause her -

- (a) to be kept clear of dredgers or other craft engaged in the laying or retrieving of moorings, navigational works or salvage works authorised by the Conservancy, and
- (b) to be navigated with care and caution and at a speed and in such manner as not to cause injury to or endanger the lives of persons engaged in underwater work.

Vessels used for  
fishing

7. The master of a vessel shall not use or permit her to be used for drift trawl or other net fishing in any part of the harbour so as to be or to be likely to become an obstruction or danger to the navigation of the harbour.

Vessels sunk,  
abandoned or  
adrift

8. (a) The master of every vessel which through accident or other cause has sunk in the harbour shall forthwith give to the Harbourmaster notice thereof and of the position of such vessel.

(b) The owner or master of a vessel which has been abandoned or has gone adrift or is missing from her moorings in the harbour shall notify the Harbourmaster of the relevant facts as soon as practicable.

Charge of vessels  
under way

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

Regulations for  
preventing collisions

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

Unseaworthy  
vessels

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

## BYELAWS RELATING TO MOORING OF VESSELS

- Charge of anchored vessels 12. The master of a vessel shall, if required by the Harbourmaster so to do, cause at least one responsible person to be on board at all times which such vessel is anchored in the harbour.
- Vessels not to make fast to others 13. No master of a vessel shall make fast to any vessel without the permission of the master of such other vessel, unless ordered to do so by the Harbourmaster.

## BYELAWS RELATING TO GOODS

- Access across vessels 14. The master of a vessel shall allow free access across and over the deck of such vessel when berthed alongside in the harbour for goods to be shipped or unshipped into and from other vessels.
- Goods unloaded not to obstruct pier 15. The owner of goods unloaded from or to be loaded into a vessel shall not allow any position of them to be deposited on any pier in such a way as to obstruct the free and safe use of the pier or any crane, mooring post or fixture thereon.

## BYELAWS RELATING TO FIRES AND STORAGE OF PETROL OR ANY OTHER INFLAMMABLE FUEL OR INFLAMMABLE GAS

- Fires 16. (a) No master of a vessel which has any fire alight or naked light on board shall allow her to come or be alongside any vessel loading or unloading petroleum except with the permission of and after compliance with such conditions as may be imposed by the Harbourmaster.

(b) No person shall carry matches or any appliances whatsoever for producing ignition at or near any place where loading or discharging of petroleum spirit or ballast water, gas freeing or tank cleaning is being carried out.

Storage of petrol,  
inflammable fuel and  
inflammable gas

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

#### BYELAW RELATING TO THE CONSTRUCTION, INSTALLATION OR MAINTENANCE OF ENGINES IN OR ON BOATS

18. No person shall permit to remain in the harbour any vessel having any engine installation which does not by reason of its construction or its installation comply with the recognised code of engine practice issued for the time being by the Ship and Boat Builders National Federation or with other acceptable standards. Save and except that in cases of boats already in use on the 1st January 1973 it shall be a defence to any action under this byelaw to show that all reasonable steps have been taken to comply with the said standards and that to comply in every detail would cause unreasonable expense, and provided that nothing in this byelaw shall affect the powers of Detaining Officers appointed by the Secretary of State for Trade and Industry to detain ships under sections 459 and 462 of the Merchant Shipping Act 1894.

## GENERALLY

- Inspection 19. The master of any vessel in the harbour shall when so required by the Harbourmaster afford every reasonable facility to enable the Harbourmaster to ascertain whether or not these byelaws are duly observed.
- Nuisances, damage or injury to the property of the Conservancy 20. No person shall commit a nuisance of any kind in the harbour or on or against any property of the Conservancy or damage, deface or injure any notice board, building or other property or goods belonging to or in charge of the Conservancy, or write obscene or offensive words on any such notice boards, building, property or goods.
- Drink or drugs 21. A person shall not navigate any vessel within the harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.
- Disorderly persons 22. No person shall make use of obscene, scandalous, abusive, indecent or improper language or behaviour to any officer of the Conservancy or to the annoyance of any person who shall be in, upon or about the harbour, or obstruct any officer of the Conservancy in the execution of his duty.
- Sounding of sirens 23. No persons shall sound or use or cause or suffer to be sounded or used in the harbour a siren, steam hooter, trumpet, distress rocket, or other instrument or appliance for producing alarm signals on any occasion or for any purpose other than in connection with navigation or distress.
- Water-skiing and aqua-planing 24. No person or persons shall engage in water-skiing, aqua-planing, or the like, or in the towing of such person or persons within the limits of the harbour without the written consent of the Conservancy and subject to any terms and conditions they may impose.



Buoys, marks,  
beacons, etc.

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

Breaking up of vessels

26. No vessel shall be broken up within the harbour except with the written permission of the Harbourmaster and at such place as he shall appoint and subject to such other terms and conditions as he may stipulate.

Rubbish and refuse

27. No person shall deposit in the harbour any rubbish, refuse, ballast, stones, earth, clay or other abandoned article or material whether liquid or solid.

Digging of bait

28. No person shall in any part of the harbour dig for lugworm, ragworm, or any form of fishing bait within 50 ft. of any mooring, or within 20 ft. of any pile, beacon, mark, hard, causeway, jetty, quay, wharf or similar structure.

Oyster Dredging

30. The Master of a vessel shall not use or permit her to be used for oyster dredging in any part of the harbour during the period between sunset and sunrise.

**Provided that:**

Nothing in this byelaw [30] shall prejudicially affect any right of several fishery or any right on, to or over any portion of the seashore where any such right is enjoyed by any person under any local or special Act of Parliament, or any Royal Charter, letters patent, prescription or immemorial usage, except with the consent of that person.

PENALTIES

29. (i) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed thereby shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine as follows:-

- (a) for the contravention of byelaws 4, 9, 16, 17 and 21, not exceeding level 4 on the standard scale;
- (b) for the contravention of byelaw 28, not exceeding level 2 on the standard scale; and
- (c) for the contravention of any other byelaw, not exceeding level 3 on the standard scale.

(ii) 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.

(iii) 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.

(iv) If, in any case, the defence provided by paragraph (iii)(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.

Byelaws 1-28 were made  
under the Common Seal of  
the CHICHESTER HARBOUR  
CONSERVANCY in pursuance of a  
Resolution of the Conservancy passed  
at a meeting held on the Fifteenth day  
of March 1973 in the presence of:

(Signed) G THISTLETON-SMITH  
Chairman

(Signed) G C GODBER  
Clerk

The Secretary of State confirmed  
the byelaws Signed by authority  
of the Secretary of State

(Signed) D G FAGAN  
An Assistant Secretary in the  
Department of the Environment  
11th June 1973

Byelaw 30 was made  
under the Common Seal of  
the CHICHESTER HARBOUR  
CONSERVANCY in pursuance of a  
Resolution of the Conservancy passed  
at a meeting held on the Twelfth day  
of July 1979 in the presence of:

(Signed) S M C BEALE  
Chairman

(Signed) D H DURBIN  
Deputy Clerk

The Minister confirmed the foregoing byelaw Signed by authority of the Minister This Twenty First day of January Nineteen Hundred and Eighty-one

(Signed) D J WIBLIN  
An Assistant Secretary in the  
Department of Transport

Byelaw 29 was made under the Common Seal of the CHICHESTER HARBOUR CONSERVANCY in pursuance of a Resolution of the Conservancy passed at a meeting held on the Twenty Third day of January 1992

(Signed) R T WILSON  
Chairman

(Signed) J D GODFREY  
Deputy Clerk

The Secretary of State confirmed the foregoing byelaw Signed by authority of the Secretary of state this Fourth day of March, Nineteen Hundred and Ninety-two

(Signed) M W JACKSON  
An Assistant Secretary in the  
Department of Transport



## NOTES FOR THE GUIDANCE OF USERS

1. By an Act of Parliament passed in 1971, the Conservancy became the harbour authority for the combined harbours of Chichester and Emsworth, and has many functions including the conservation, maintenance and improvement of the harbour for the use of pleasure craft and such other vessels as may seek to use it. The members of the Conservancy, many of whom are users of the harbour, have endeavoured to keep regulations and restrictions to a minimum, and the byelaws are designed to provide only the degree of control necessary to prevent danger and annoyance to users.

2. Other legislation provides various powers and requirements which may not be generally known, and the following information may be helpful in appropriate circumstances:-

- (a) The master of a vessel visiting the harbour should report its arrival to the Harbourmaster.
- (b) Harbour dues must be paid in respect of all vessels in the harbour.
- (c) Licences must be obtained from the Conservancy before works or dredging are carried out in the harbour.
- (d) All private moorings must be licensed by the Conservancy.
- (e) The Harbourmaster has wide statutory powers to give directions regulating vessels in the harbour including removal of unserviceable vessels and other obstructions.
- (f) The owner or master of a vessel from which oil is discharged or allowed to escape into the harbour is liable to a fine not exceeding £50,000.

- (g) The maximum fine for offences against the harbour byelaws is set out in byelaw 29, and offenders may be required to pay the cost of making good damage directly or indirectly caused by the offence.

3. The waters of the harbour are used extensively for sailing races, day sailing, fishing and cruising, and with courtesy from everyone concerned, there is no reason why one activity should be incompatible with another. Rather than prescribe rules and regulations, the Conservancy will rely as far as possible on the good manners and behaviour of users to prevent such nuisances and hazards as -

- (1) engines making unnecessary noise;
- (2) dinghies flying racing flags when not actually racing;
- (3) vessels proceeding through races and regattas, etc., when this could have been avoided with little inconvenience;
- (4) vessels proceeding unnecessarily close to fishing boats and anglers, or to vessels flying the International 'A' flag which means 'I have a diver down; keep well clear at low speed'.

4. When in command of a vessel ALWAYS REMEMBER:-

- (a) Every vessel under power, whether under sail or not, is considered to be a power-driven vessel.
- (b) Although generally power gives way to sail, a sailing vessel has no right to hamper in a narrow channel the safe passage of a power-driven vessel which can navigate only inside such a channel.

- (c) In a narrow channel every power-driven vessel, when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.
- (d) Do not leave your boat on someone else's mooring without permission.

5. The maximum pleasure and recreational benefit will be derived from the beautiful natural amenities of Chichester Harbour only if all comply with the necessary regulations and behave in a reasonable and courteous manner.

E M HOLDSWORTH  
Clerk of the Conservancy

Chichester Harbour Conservancy Office,  
County Hall,  
CHICHESTER



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County Hall, Chichester.*

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