

# **LANGSTONE HARBOUR BOARD**

**THE LANGSTONE HARBOUR BOARD, IN EXERCISE OF THE POWERS CONFERRED BY ARTICLE 34 OF THE LANGSTONE HARBOUR ORDER, 1962, CONFIRMED BY THE PIER AND HARBOUR ORDER (LANGSTONE HARBOUR) CONFIRMATION ACT 1962, AND AMENDED BY THE LANGSTONE HARBOUR REVISION ORDER, 1985, AND OF ALL OTHER POWERS THEM ENABLING, HEREBY MAKE THE FOLLOWING BYELAWS.**

## **PART I - PRELIMINARY**

### **1. Title and Commencement**

These Byelaws may be cited as the Langstone Harbour Byelaws 1993 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Minister.

### **2. Application**

These Byelaws shall apply to all parts of the harbour the limits of jurisdiction of which are set forth in the schedule hereto and to the Harbour Premises as defined in Byelaw 3 hereof.

### **3. Interpretation**

In these Byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

“the Authority” means the Langstone Harbour Board as defined by Section 8 of the Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962;

“the Act” means the Pier and Harbour Order (Langstone Harbour) confirmation Act 1962;

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

“Goods” means all articles and merchandise of every description and includes fish, livestock and animals;

“the Harbour Master” means the person appointed as such pursuant to Section 28 of the Act and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity;

“the Harbour Premises” means the buildings, docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;

“Hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“Master” when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being;

“Owner” when used in relation to Goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those Goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in

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possession of the vessel or other person or persons entitled for the time being to possession of the vessel and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

“quay” means any quay, wharf, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

“power driven vessel” means any vessel being propelled by machinery whether under sail or not;

“Jet ski” means any vessel referred to as a jet ski, wet bike, water scooter, fun craft or other similar description which vessel is designed to carry a person or persons standing, kneeling, sitting or prone upon the vessel and which vessel is propelled by a jet engine or other motive power the master of which vessel steers it with or without a rudder at the stern by means of a handlebar operated linkage system and/or by altering the relationship between the body weight of the person or persons carried on the vessel and the vessel itself;

“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;

“small vessel” means any vessel of less than 20 metres in length or a sailing vessel and for the purpose of this definition “sailing vessel” means a vessel designed to carry sail whether as the sole or as a primary or supplementary means of propulsion;

“vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a Hovercraft or any other amphibious vehicle;

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

### **4. Declaration of Particulars of Vessel**

The Master of a vessel arriving at the Harbour shall if required by the Harbour Master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draught of the vessel, its last port of call, and destination, and particulars of its cargo.

### **5. Vessels to navigate with care**

The Master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to obstruct the navigation, manoeuvring, loading or discharging of vessels or moorings or other property.

### **6. Speed of Vessels**

Except with the permission of the Harbour Master and, subject to Byelaw 5 and the Collision Regulations, the Master of a vessel shall not cause or permit the vessel to proceed over the ground (a) at a speed greater than 10 knots or (b) in the Langstone Marina approach channel

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between the points marked A and B on the plan annexed to these byelaws, at a speed greater than 5 knots.

Provided always that the Authority may designate parts of the harbour which may be used at such times and subject to such conditions as the Authority may prescribe for the purpose of water skiing or other sports involving the use of high speed vessels.

### **7. Small Vessels not to Obstruct Fairway**

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.

### **8. Vessels not to be made fast to Navigation Buoys or Marks**

The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

### **9. Notification of Collision etc**

The Master of a vessel which -

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a harbour area; or
- (b) by reason of an accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- (c) in any manner gives rise to an obstruction to a fairway;

shall as soon as reasonably practicable report the occurrence to the Harbour Master and as soon as practicable thereafter provide the Harbour master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the Master shall not move the vessel except to clear the fairway or to moor or anchor in safety otherwise than with the permission, and in accordance with the directions, of the Harbour Master.

### **10. Vessels Adrift**

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

### **11. Vessels Entering or Crossing the Fairway**

The Master of a vessel shall cause the vessel to enter, cross or turn or manoeuvre in the fairway only when the fairway in the vicinity of the vessel is clear, and in such a manner as shall not or shall not be likely to impede or endanger any other vessels.

### **12 Side and Channel for Vessels Underway**

The Master of a power driven vessel underway shall cause her to be kept to that side of the fairway or mid channel which lies on the starboard side of such vessels

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### **13 Vessels Meeting**

If the fairway is restricted for any reason so as to make it unsafe for two vessels to pass one another when proceeding in opposite directions, the Master of the vessel stemming the tide shall cause his vessel to give way to the other vessel.

### **14. Master to be On Board**

The Owner of a vessel, other than a small vessel, shall ensure that there is a competent Master on board his vessel at all times when it is being navigated.

### **15. Master to Remain on Bridge**

The Master of a vessel, other than a small vessel, being navigated shall either himself be on the bridge of the vessel or at the place from which the steering of the vessel is directed or ensure that the vessel is being navigated by a person who is competent to take charge of the vessel and, when a pilot is on board, capable of understanding the directions of the pilot.

### **16. Sea Worthiness and Steering of Vessels**

The Master of a vessel, other than a small vessel, being navigated shall ensure that the vessel is seaworthy in all respects, except when it is being moved as allowed by Byelaw 9, and that it is steered at all times by a competent person.

### **17 Vessels to be stopped or so navigated as to allow boarding when Required**

The Master of a vessel shall, when required by the Harbour Master or a Police Constable, stop or so navigate the vessel so as to allow the Harbour Master or Police Constable, as the case may be, to board the vessel for the purpose of ascertaining whether any relevant part of these Byelaws has been or is being duly observed.

### **18 Navigation under influence of Drink or Drugs Prohibited**

A persons shall not navigate any vessel in 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.

### **19 Berthing and Mooring**

(1) The Master of a vessel shall moor or berth his vessel at such part of the harbour as the Harbour Master may direct, provided always that this Byelaw shall not be deemed to give the Harbour Master authority to give directions to the Master of a vessel which is properly moored at a private mooring.

(2) The Master of a vessel which is berthed or moored or anchored shall if so directed by the Harbour Master move his vessel out of the harbour or to such other place within the harbour as the Harbour Master may direct.

### **20. Obstruction of Other Vessels**

The Master of a vessel shall not permit her to be placed in any position that may obstruct the access by any other vessel to any pier, quay, pontoon, jetty, wharf, landing steps, hard, mooring or grid without the permission of the Harbour Master.

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### **21. Change of Anchorage**

The Master of any vessel lying within the harbour shall if required by the Harbour Master, take up the anchor or anchors of such vessel within a reasonable time of being so required.

### **22. Obstruction of Navigation**

The Master of a vessel shall not, except in an emergency, anchor in the harbour in such a manner as to obstruct navigation.

### **23. Provision of Proper Fenders**

The Master and the Owner of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their vessel and when berthing and leaving, or lying at a quay or against other vessels, the Master shall cause the vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

### **24. Vessels to be Properly Berthed**

The Master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.

### **25. Removal of Projections from Vessels**

The Master of a vessel shall ensure that whilst his vessel is being or is berthed or moored at a quay or alongside another vessel or is leaving a quay or from alongside another vessel his vessel's anchors are properly stowed and that all projections beyond the sides of his vessel which are movable, other than fenders, and which may cause injury, damage or obstruction are removed.

### **26. Vessels to be Kept in a Moveable Condition**

(1) The Master of a sea going 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 it is capable of being safely moved.

(2) Where a 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 forthwith and give to him any further information which the Harbour Master may reasonably require.

### **27. Sufficiency of Crew**

Except with the permission of the Harbour Master, the Master of a vessel shall at all times when his vessel is within the harbour ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent person readily available –

(a) to attend to his vessel's moorings;

(b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of his vessel; and

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(c) to deal, so far as reasonably practicable, with any emergency that may arise.

### **28. Use of Engines while Vessel Berthed or Moored**

The Master of a vessel which is berthed or moored shall not permit the engines of the vessel to be worked for trial, except with permission of the Harbour Master, nor in such a manner as to cause injury to any person or damage to the bed or banks of the harbour or to any other vessel, moorings, quay or other property of any description or as to interfere with the safe navigation of any other vessel.

### **29. Lost Anchor, Cable or Propeller**

(1) 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 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 reasonably practicable.

(2) The Master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

### **30. Requirements as to Handling and Movement of Goods in the Harbour**

(1) The Owner of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the Harbour Master otherwise agrees.

(2) The Owner of any goods shall comply with such directions as the Harbour Master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.

### **31. Precaution Against Goods etc Falling Into Harbour Waters or the Authority's Premises**

The Master of a vessel and a person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the Harbour Master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Authority.

### **32. Supervision of Loading and Discharging**

The Master of a vessel shall ensure that at all times during the loading or discharging of the vessel a competent person, acting on behalf of the vessel, shall be onboard to supervise its loading or discharging.

### **33. Notification and Recovery of Goods Falling into the Waters of the Harbour**

The Master of a vessel from which any cargo, dunnage, ballast or other materials or things have fallen or escaped into the waters of the harbour or the person in charged of the loading or discharging of the vessel, as appropriate, shall:-

(a) as soon as reasonably practicable give notice of the occurrence to the Harbour Master and, if possible, of the position of the cargo, dunnage, ballast or other materials or thing which has fallen or escaped;

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(b) take steps as soon as reasonably practicable for the recovery of such cargo, dunnage, ballast or other materials or thing if the Harbour Master so directs, and comply with any directions of the Harbour Master in that regard.

### **34. Safe Driving of Vehicles and Regulation of Vehicular Traffic**

No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

### **35. Supervision of Vehicles**

A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Harbour Master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Harbour Master -

- (a) leave the vehicle unattended anywhere within the harbour premises; or
- (b) take it into any shed or working area.

### **36. Abandonment of Vehicles**

(1) No person shall abandon or cause to be abandoned a vehicle or any part of a vehicle in any part of the harbour.

(2) For the purposes of paragraph 1 of this bye-law, a person who leaves the vehicle or any part of the vehicle in any part 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.

### **37. Loads not to Leak, Spill or Drop**

The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

### **38. Loads to be Secured**

The owner, driver or other person having charge of a vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

### **39. Refuelling Etc of Vehicles**

No person shall within the harbour premises charge or recharge any vehicle with, or empty it of, fuel except with the permission of the Harbour Master.

### **40. Transfer of Fuel Between Vessels and Vehicles**

No person shall within the harbour premises charge or recharge any vessel with fuel from a vehicle or remove any fuel from a vessel to vehicle except with the permission of the Harbour Master and in accordance with any conditions he may impose.

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### **41. Accidents to be reported**

A person driving or otherwise operating or having charge of a vehicle which is involved in an accident in the harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and report the accident to the Harbour Master and shall give to the Harbour Master his name and address, the name and address of the owner or the vehicle and such other information with regard to the accident and the vehicle as the Harbour master may reasonably require.

Provided that such reporting shall be without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985.

### **42. Inspection Facilities Etc to be made**

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

### **43. Vessels Not to be Fumigated Without Permission**

The Master of Owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master

### **44. Rubbish etc not to be thrown**

No person shall throw or jettison ballast, rubbish, sewage or offensive matter on the harbour premises or in the waters of the harbour.

### **45. Goods etc Left on Harbour Premises**

(1) No person shall leave any goods, stores, equipment, boats, cranes, fishing bait etc on any part of the harbour premises without the prior consent of the Harbour Master and in accordance with such conditions as he may impose.

(2) Any goods, stores, equipment, boats, cranes, fishing bait etc shall as soon as reasonably practicable be removed by its owner or any other person claiming possession of it if the harbour Master so directs.

### **46. Fishing nets and Lines Not to Cause Obstructions**

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

### **47. 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 written consent of the Harbour Master.



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### **48. Vessels to have Names marked on them and change of name and ownership of Vessel**

(1) The Owner of a vessel which is not registered as a ship under the Merchant Shipping Acts 1894 to 1988 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.

(2) On any change in the name or in the ownership of a vessel, other than a small vessel, in the harbour the Owner and the Master in the case of a change of name and the parties to a change of ownership shall ensure that immediate written notice of the change is given to the Authority.

### **49 Registration of Small Vessels**

(1) Except with the consent of the Harbour Master, no person shall keep, navigate or use a small vessel within the harbour unless the owner of the vessel has registered the vessel with the Harbour Master and supplied such information as the Harbour Master may reasonably require, including the name and address of the owner, details of the vessel and the place where the vessel is normally kept, if that place is within the harbour, and the purpose for which the vessel is or is to be kept, navigated or used within the harbour.

(2) The owner of a small vessel shall forthwith give notice to the Harbour Master if the vessel is sold or its ownership is otherwise transferred or if there is any other alteration in the particulars which have been registered.

### **50. Abandonment of Vessels Prohibited**

(1) No person shall abandon a vessel on the banks or shore of the harbour.

(2) For the purposes of paragraph (1) of this Byelaw, a person who leaves the vessel on the banks 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.

### **51 Water Skiing, Aquaplaning Etc**

(1) No person shall engage or take part in water skiing or aquaplaning except with the written permission of the Authority given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.

(2) 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) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid if the British Marine Industries Federation Approved Type, 2 hand held distress signals and fire extinguisher;

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- (b) for each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device;
- (3) No person shall engage in kiting or parachute towing in the harbour without the prior written consent of the Authority given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

### **52. Hydrofoils and Hovercraft**

No person shall navigate a hydrofoil or hovercraft without permission of the Harbour Master.

### **53 Jet Skis**

(1) Except as provided in paragraph (4) of this byelaw, no person shall ride or navigate or use a jet ski in that part of Langstone Harbour known as the Run being that area of Langstone Channel between the southernmost extremity of Langstone Harbour off Eastney peninsula to the south west corner of the Mulberry Harbour wreck and then south eastwards to a point 30 yards east of the pontoon at Ferry Point Hayling Island such area being shown by cross hatching on the plan annexed hereto.

(2) No person shall ride or navigate or use a jet ski in any part of the Harbour designated for the time being by resolution of the Authority as a prohibited area either-

(a) By reason of a special occasion specified in such resolution or

(b) By reason of its being an area within which moorings have been laid down by the Authority or by some other person, whether contractor or agent, acting on the Authority's behalf.

(3) The Authority shall take all reasonable steps to give public notice of a resolution passed under paragraph (2) of this Bye law and in particular shall place and maintain suitable buoys or marks indicating the limits of the prohibited area.

(4) Where the authority have given their prior consent in writing either specially or generally, it shall not be an offence under paragraphs (1) or (2) of this Byelaw for any person to ride or navigate or use a jet ski in accordance with such consent and subject to the observance of any reasonable conditions imposed by the Board in granting such consent.

### **54. Aircraft**

(1) No person shall land or take off an aircraft (including a seaplane) in or from within the harbour or on or from a vessel in the harbour except with the permission of the Harbour Master and subject to any conditions he may impose.

(2) No person shall use or cause to be used any part of the harbour premises for landing or taking off an aircraft except with the consent of the Authority and subject to any conditions they may impose.

### **55. Assistance to Fire and Other Services**

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

### **56. Fire Precautions**

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

### **57. Fires and lights**

(1) No person shall within the harbour premises or on or in any vessel at any quay of the premises have a fire or flame or use or permit to cause to be used any lamp, light, equipment or apparatus, the use of which may involve the risks of causing fire or explosion except with the permission of the Harbour Master which may be given generally or specifically and in either case subject to such conditions as he may deem necessary in the interest of safety.

(2) The person having or using anything within the harbour premises or on or in any vessel at any quay of the harbour premises which may involve the risks of causing fire or explosion shall take all reasonable precautions for preventing such and occurrence.

(3) No person shall intentionally or recklessly obstruct or prevent the Harbour Master taking steps, if he deems it necessary, to have any fire or flame extinguished or to have the use of any lamp, light, equipment or apparatus stopped when it is lit or used in contravention of this byelaw.

### **58. Restrictions on Smoking**

No person shall smoke in any part of the Harbour Premises where smoking is prohibited by the Authority.

### **59. Obstruction of Officers of the Authority**

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

### **60. Unnecessary Signals**

The Master of a vessel shall not cause the vessel's whistle or siren to be sounded in the harbour except to make signals prescribed in the collision regulations or in any of these Byelaws or to attract attention to a state of emergency or, with the permission of the Harbour Master, for testing purposes.

### **61. Diving Operations from Vessels or Otherwise**

(1) Without prejudice to any requirements of the collision regulations to display lights and shapes the master of every vessel, irrespective of size, engaged in diving operations in the harbour shall cause to be exhibited on the vessel where it can best be seen, a replica of flag "A" of the International Code of Signals, and shall take measures to ensure all round visibility for such replicas.

Except in the case of small vessels, the said replica shall be rigid not less than 1 metre in height and by night shall be illuminated.

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(2) A person in charge of or supervising diving operations undertaken in the harbour without an attendant vessel shall cause to be exhibited on shore where it can best be seen and as near as possible to the scene of such operations a replica of flag "A" as aforesaid and shall take measures to ensure that such a replica is clearly visible from any approaching or passing vessel.

The said replica shall be exhibited for the duration of the diving operations.

### **62. Wrecks and Obstructions**

The owner of an obstruction of whatever description, whether or not floating, which impedes or is likely to impede navigation or dredging in the harbour or in or near the seaward approaches to the harbour, including a sunken, grounded, stranded or drifting vessel, wreck or vehicle, shall if so directed by the Harbour Master and in accordance with any directions he may give take steps to remove the obstruction or have it removed and, until it is removed, to have it watched and marked.

### **63. Obstruction at Harbour Premises**

(1) No person shall, except with the permission of the Harbour Master, deposit or place any goods or park any vehicle on any part of the Harbour premises so as to obstruct operation there or so as to obstruct any pontoon, quay, transit or working area, road, bridge, building, structure, mooring place, plant, machinery, equipment or apparatus or the access thereto;

(2) A person who contravenes paragraph 1 of this Byelaw or the owner of the goods or vehicle causing interference or obstruction shall move or remove them or it or cause them or it to be moved or removed as the Harbour Master may direct.

### **64. Removal of Goods**

A person removing goods from the harbour premises, whether in or on a vehicle or otherwise, shall if required to do so by the Harbour master -

(a) inform the Harbour Master of his name and address and of his authority to remove those goods and produce for inspection any written authority to remove those goods which has been issued to him;

AND

(b) permit the Harbour Master to verify that the goods which that person is removing are in accordance with his authority before removal.

### **65. No Dredging Without Permission**

No person shall dredge material from the sea bed in any part of the harbour save as authorised by any enactment, or in pursuance of the rights of ownership, without the permission in writing of the Authority.

### **66. Damage to Moorings**

No person shall tamper with, slacken or loosen, any rope, chain or other mooring of a vessel or otherwise cast a vessel adrift.

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### **67. Interference with Lighthouses and Navigation Lights, Buoys, Beacons or Marks**

No person shall without lawful authority climb onto or otherwise gain access to, or intentionally move or operate in any manner whatsoever any lighthouse, floating or other light, signalling apparatus, buoy, beacon or other mark or sign intended for use for navigational purposes.

### **68. Interference with Fire Fighting of Life Saving Equipment**

No person shall:-

- (a) intentionally or recklessly obstruct the useful operation of, or tamper with any fire fighting or life saving equipment or apparatus in the harbour ; or
- (b) use or remove any such equipment or apparatus except for the purpose of combating fire or saving life or with lawful authority for inspection or maintenance.

### **69. Restriction of Notices**

Excepting the lawful exercise of a statutory power, no person shall publicly place, erect, or exhibit any notice, placard, advertisement or bill or distribute any leaflet, pamphlet, circular or other printed matter within the harbour premises except with the permission of the Harbour Master.

### **70. Fireworks**

No person shall throw, fire or otherwise ignite any firework , as defined for the purposes of the Explosives Act 1875, on the harbour premises or on or from any vessel in the harbour except with prior permission of the Harbour Master other than as a lawful distress signal.

### **71. Firearms and Offensive Weapons**

No person shall without lawful authority discharge within the harbour or on any vessel in the harbour any firearm other than as a lawful distress signal or in the proper use of lifesaving apparatus or a firearm loaded with blank ammunition for use as a race signal except with the permission of the Authority.

(NOTE: This byelaw is without prejudice to the requirements of the Firearms At 1968, where they apply)

### **72. Fishing**

No person shall fish in or from any part of the harbour premises except with the permission of the Authority given either specifically or generally provided that no person shall be prevented by this byelaw from fishing in on or from any part of the seabed of the harbour situated between the mean high and mean low water mark of ordinary tides.

### **73. Bathing, Swimming, Diving**

(1) No person shall bathe, swim, dive or engage in underwater activities except with the permission of the Authority:-

- (a) in the fairway within the harbour ; or
- (b) in any other areas which the Authority may designate as areas in which all or any of those activities are prohibited.

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(2) Except in an emergency, no person shall dive or engage in other underwater activities unless the harbour Master has been notified of the time and place at which such activities are to take place and their expected duration at least two hours before they are due to commence.

### **74. Regattas, Races and Similar Events**

(1) No person shall organise any regatta, race, procession, pageant or any other similar event, or any part of any such event, when a number of vessels is expected to participate or to assemble, to take place within the harbour, unless he supplies to the Authority such information in regard to that event as the Authority may require and obtains the prior written consent of the Authority to the holding of such event or the part of such event within the harbour.

(2) The organiser of any of the events referred to in paragraph (1) of this byelaw shall ensure that it only takes place in accordance with any conditions imposed by the Authority or the Harbour Master and in areas or at places or on courses and at times previously approved by the Authority or the Harbour Master. Provided that where a programme of races or similar events has been previously submitted to the Harbour Master, minor departures from such conditions made necessary by weather or tidal conditions shall not constitute an offence under this byelaw

### **75. Navigation of Vessels at Regattas**

The Master of any vessel within the harbour shall not cause his vessel to obstruct or impede any boat race, regatta, angling or fishing festival, public procession, launching a vessel or any assemblage of small vessels or endanger the safety of persons assembling in the harbour or prevent the maintenance of order therein.

### **76. Bait Digging**

(1) In this byelaw the expression “restricted areas” means any part of the beach or foreshore situated within ten metres of a mooring clump, slipway or jetty.

(2) Without lawful authority no person shall in any part of the restricted areas dig for ragworms or any form of fishing bait.

(3) This byelaw shall not prejudice or affect the exercise by any person of a right vested in him as owner, lessee or occupier of land within the restricted area.

### **77. Penalties**

(1) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed by the harbour master in the exercise of the powers conferred upon him by these byelaws, shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding the under mentioned levels on the standard scale:-

#### Level 4

Byelaw 5 - Vessels to navigate with care  
Byelaw 10 - Vessels adrift

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Byelaw 18 - Navigation under influence of drink or drugs prohibited

### Level 2

Byelaw 48 - Vessels to have names  
Byelaw 49 - Registration of small vessels  
Byelaw 69 - Restriction on notices

### Level 3

All other byelaws.

(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.

### **78 Revocations**

The Langstone Harbour Byelaws 1963 as amended and extended by byelaws made on 30 November 1982, 9 October 1984, 24 June 1988, 23 January 1989, and 4 December 1990 are hereby revoked.

Given under the Common Seal of The Langstone Harbour Board in pursuance of a resolution of the Board passed at a meeting duly convened and held on the 18<sup>th</sup> day of June 1993.