

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, AS AMENDED BY ARTICLE 7 OF THE LANGSTONE HARBOUR REVISION ORDER 1985, AND ARTICLE 9(1) OF THE LANGSTONE HARBOUR REVISION ORDER 1999, AND IN ADDITION TO THE POWERS CONFERRED BY SECTION 83 OF THE HARBOURS, DOCKS AND PIERS CLAUSES ACT 1847, AS AMENDED BY ARTICLE 6 OF THE LANGSTONE HARBOUR REVISION ORDER 1985 AND SECTION 57 OF THE CRIMINAL JUSTICE ACT 1988, AND OF ALL OTHER POWERS ENABLING THEM, HEREBY MAKE THE FOLLOWING BYELAWS.

PART I - PRELIMINARY

1. Title and Commencement

These Byelaws may be cited as the Langstone Harbour Byelaws 2026 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 safety regulations under section 85 of the Merchant Shipping Act 1995;

“Fairway” means any buoyed or marked navigation channel;

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

“the Harbour” means Langstone Harbour the limits of which shall comprise the area coloured blue on the plan entitled Langstone Harbour Board Byelaw Plan annexed hereto save for the exclusion therefrom of Round Nap Island about the level of mean high water springs;

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

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“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;

“Houseboat” means any Vessel lying in the water or on the foreshore of the Harbour which is used or capable of being used as a place of habitation and if so used whether such use be temporary intermittent or permanent or as a place for accommodating or receiving persons for purposes of shelter recreation entertainment or refreshment or as club premises or as offices but shall not include-

- a) a Vessel normally engaged in the transport of persons or goods; or
- b) any pleasure yacht used in navigation; or
- c) any lightship or watch barge; or
- d) any registered canal boat; or
- e) any Vessel used by a bona fide fisher in fishing as a means of livelihood;

“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 their agent in relation thereto; and when used in relation to a Vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the Vessel or other person or persons entitled for the time being to possession of the Vessel 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 wharf, pier, dolphin, landing stage, landing steps or other structure used for berthing or mooring Vessels, and includes any walkway, gangway, 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;

“the Run” means that area of Langstone Channel between the southernmost extremity of the 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. This means the stretch of water from the entrance of the Harbour from a line running between Gunner Point and the Fort Cumberland Outfall in the south, running northwards, to a line between the tip of Eastney Point and the south west corner of the Mulberry Harbour wreck and then south east to the Harbour Office Yard, an area including both the Hayling and Eastney pontoons, such area being shown shaded orange on the plan entitled the Run and Langstone Marina Approach Plan annexed hereto.

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“Small Vessel” means any Vessel of less than 20 metres in length overall;

“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;

“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 any Vessel, ship, lighter, keel, barge, raft, pontoon, hovercraft and craft of any kind howsoever navigated, propelled or moved and (except for the purposes of changes) any seaplane on the surface of the water.

“Water Craft” means any type of craft which-

- a) is capable of moving under its own mechanical power,
- b) is used, navigated or situated wholly or partly in or on water, and
- c) is capable of being used to carry one or more persons.

Water Craft does not include a ship or fishing vessel within the meanings given in section 313(1) of the Merchant Shipping Act 1995 (as amended).

“Water Craft Licence” means a licence issued to a person by the Authority in accordance with the Personal Watercraft (PWC) Management Policy published on the Authority’s website¹ and as amended from time to time and on such terms and conditions as the Authority reasonably considers appropriate.

“Water Craft Permit” means a permit granted to a Water Craft to authorise the launch, recover and use of that Water Craft within the Harbour in accordance with the Personal Watercraft (PWC) Management Policy published on the Authority’s website² from time to time and on such terms and conditions as the Authority reasonably considers appropriate.

4. Declaration of Particulars of Vessel

The Master of a Vessel arriving at the Harbour shall if required by the Harbour Master, furnish to the Harbour Master a declaration in the form to be obtained from the Harbour Master 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 of a Vessel shall navigate the 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.

¹ www.langstoneharbour.org.uk/regs-for-jetski-pwc-in-langstone

² www.langstoneharbour.org.uk/regs-for-jetski-pwc-in-langstone

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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 between the points marked A and B and shaded green on the Run and Langstone Marina Approach 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 the Vessel fast 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 other property, or has been sunk or grounded or become stranded in the Harbour; 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 other 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 reasonably 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 a 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.

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12 Side and Channel for Vessels Under Way

The Master of a Power Driven Vessel other than a Small Vessel when Under Way shall cause her to be kept to that side of the Fairway which lies on the starboard side of such Vessels.

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 Vessel 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 the Vessel at all times when it is Under Way.

15. Master to Remain on Bridge

The Master of a Vessel, other than a Small Vessel, being navigated shall either 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 manoeuvre 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, 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 crewed at all times by a competent person.

17 Vessels to be Stopped or Manoeuvred as to Allow Boarding when Required

The Master of a Vessel shall, when required by the Harbour Master or a Police Constable, stop or manoeuvre 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

(1) A Master must not navigate, or cause or permit their Vessel to be Under Way, within the Harbour if their ability to do so is impaired by drink or drugs.

(2) A Master that does not act as a Master in the course of a business or employment must not navigate, or cause or permit their Vessel to be Under Way within the Harbour if the proportion of alcohol in their breath, blood or urine exceeds:

- (a) in the case of breath, 35 micrograms of alcohol in 100 millilitres;
- (b) in the case of blood, 80 milligrams of alcohol in 100 millilitres;
- (c) in the case of urine, 107 milligrams of alcohol in 100 millilitres.

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(3) If the Harbour Master has reasonable cause to suspect that a Master has drugs or alcohol in their body which may impair their fitness to navigate or to be Under Way with their Vessel, the Harbour Master may direct the Vessel to remain at its current location or to proceed to another place within the Harbour and to remain in that position.

(4) A Vessel directed under paragraph (3) above shall remain in the position designated and no person may move it until such time as either:

(a) a substitute Master (not under the influence of drink or drugs to the extent that would breach paragraphs (1) and (2)) is on board and takes command of the Vessel, or

(b) the Master suspected of having alcohol in their body submits to a breath test on equipment provided by the Harbour Master and approved by the Secretary of State for the purpose of the Road Traffic Act 1988 and the said breath test indicates a reading of less than 35 micrograms of alcohol in 100 millilitres of breath.

(5) It is an offence for the Master of a Vessel to fail to comply with a direction given under paragraph (3) above.

19 Berthing and Mooring

(1) The Master of a Vessel shall moor or berth the 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 the 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 Quay, pontoon, jetty, hard, mooring or grid without the permission of the Harbour Master.

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,

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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 the 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 the 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 the Vessel's anchors are properly stowed and that all projections beyond the sides of the 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) Subject to paragraph (2) the Master of a Vessel shall not, take any steps to render the Vessel incapable of movement without first notifying the Harbour Master and, subject as aforesaid, shall at all times keep the Vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

(2) Paragraph (1) does not apply to a Vessel, or a Houseboat, lying aground, if the Harbour Master gave prior permission for the Vessel to lie aground, and the Master has complied with any conditions imposed by the Harbour Master when granting that permission.

(3) 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 as soon as reasonably practicable and give to the Harbour Master 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 the Vessel is within the Harbour ensure that the Vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available –

- (a) to attend to the Vessel's moorings;
- (b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the Vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

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 operated for the purpose of maintenance, testing or drills, except with permission of the Harbour Master, nor in such a manner as to cause injury to any

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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 the Harbour or Harbour 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 Harbour Premises.

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 Master, 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 charge 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 on 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 on Harbour Premises shall at all times comply with any directions of the Harbour Master with respect to the loading, discharging, and manoeuvring of the Vehicle and shall, if directed remove the Vehicle from Harbour Premises. A person having charge of a Vehicle on Harbour Premises 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, or on, any part of the Harbour or Harbour Premises.

(2) For the purposes of paragraph 1 of this bye-law, a person who leaves the Vehicle or any part of the Vehicle in, or on, any part of the Harbour or the Harbour Premises in such circumstances or for such a period that they 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 on 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 on 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 charge or recharge any Vessel in the Harbour with fuel from a Vehicle on the Harbour Premises or remove any fuel from a Vessel in the Harbour to a Vehicle

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on the Harbour Premises except with the permission of the Harbour Master and in accordance with any conditions the Harbour Master may impose.

41. Accidents to be Reported

A person driving or otherwise operating or having charge of a Vehicle which is involved in an accident on 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 their name and address, the name and address of the owner of 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 the Harbour Master's 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 or 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

(1) No person shall throw, deposit, discharge or jettison any ballast, rubbish, or offensive matter on to the Harbour Premises or in to the waters of the Harbour.

(2) No person shall permit the discharge of sewage, on to the Harbour Premises or in to the waters of the Harbour, whether from a Vessel, a pipe or otherwise, except:

- (a) from an approved and certified sewage treatment plant provided the discharge is clear with no solid material; and
- (b) only after obtaining, and in accordance, with all necessary licences, environmental permits and consents for the discharge of sewage.

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 permission of the Harbour Master and in accordance with such conditions as the Harbour Master 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

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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 permission of the Harbour Master.

48. Vessels to Have Names or Other Means of Identification 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 1995 and marked accordingly shall ensure that the Vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

(2) On any change in the name, or in the ownership, of a Vessel, 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 Vessels

(1) Except with the permission of the Harbour Master, no person shall keep, navigate or use a 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 Vessel shall forthwith give notice to the Harbour Master if the Vessel is sold or its ownership is otherwise transferred, including any information as the Harbour Master may reasonably require, such as the name and address of the new owner if the Vessel is to remain in the Harbour, any other alteration in the particulars which have been registered, and the place where the Vessel is to be kept, if that place is within the Harbour.

50. Abandonment of Vessels Prohibited

(1) No person shall abandon a Vessel within the Harbour or on the Harbour Premises.

(2) For the purposes of paragraph (1) of this Byelaw, a person who leaves the Vessel within the Harbour or on the Harbour Premises in such circumstances or for such a period that they 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

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(1) No person shall engage or take part in water skiing, aquaplaning, parasailing or other similar activity 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 by the Harbour Master.

(2) The Master of a Vessel, using the Vessel for the purpose of towing a person water skiing, aquaplaning, parasailing or engaged in any other similar activity, 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 that person 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;

(b) for each person water skiing, aquaplaning, parasailing or engaged in any other similar activity, a rescue quoit with line or other sufficient hand thrown rescue device;

(c) a VHF radio switched on and tuned to the Authority's VHF channel, a mobile phone or such other means of communication approved by the Harbour Master that shall be kept switched on at all times whilst the Vessel is Under Way; and

(d) a fire extinguisher

(3) No person shall engage in kiting or parachute towing or other similar activity in the Harbour without the prior written permission of the Authority given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

52. Hovercraft

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

53 Water Craft

(1) No person shall launch, recover or use a Water Craft in the Harbour except:

(a) if that person holds a valid Water Craft Licence;

(b) the Water Craft being launched, recovered or used, has a valid Water Craft Permit;

(c) the terms and conditions of the Water Craft Licence and Water Craft Permit are complied with at all times during the launch, use and recovery of the Water Craft.

(2) On entry to the Run from within the Harbour, the Master of the Water Craft must proceed directly to sea outside the Harbour without stopping, and whilst doing so, must comply with the rest of these Byelaws.

(3) On re-entry the Run, from the sea outside the Harbour, the Master of the Water Craft must proceed directly through the Run without stopping, and whilst doing so must comply with the rest of these Byelaws.

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(4) No person shall launch, recover or use a Water Craft 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.

(5) The Authority shall take all reasonable steps to give public notice of a resolution passed under paragraph (4) of this Byelaw and in particular shall place and maintain suitable buoys or marks indicating the limits of the prohibited area.

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 they 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 permission of the Authority and subject to any conditions they may impose.

55. Assistance to Fire and Other Services

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) Subject to paragraph (2) no person shall within the Harbour Premises or on or in any Vessel at any Quay of the Harbour 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 the Harbour Master may deem necessary in the interest of safety.

(2) Paragraph (1) does not apply to properly installed and maintained equipment such as cookers and lights, used in accordance with manufacturers guidelines, and suitable for use on the Vessel on which the equipment is installed.

(3) 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 an occurrence.

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(4) No person shall intentionally or recklessly obstruct or prevent the Harbour Master taking steps, if they deem 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 their 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, 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. The said replica shall be exhibited for the duration of the diving operations.

(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 the Harbour Master may give or take steps to remove the obstruction or have it removed and, until it is removed, to have it watched and marked.

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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 their name and address and of their authority to remove those goods and produce for inspection any written authority to remove those goods which has been issued to them;

AND

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

65. No Dredging Without Permission

No person shall dredge material from the seabed 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.

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

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- (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 Fireworks Act 2003, 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 on the Harbour Premises 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 Act 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) Except with the prior permission of the Authority, no person shall bathe, swim, dive or engage in underwater activities in:-

- (a) a Fairway;
- (b) the Run, more than 10 metres from the shoreline; or
- (c) any other areas which the Authority may designate as areas in which all or any of those activities are prohibited.

(2) Except in an emergency, no person shall engage in diving or 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

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(1) The Master of a Vessel that is planning to take part in any regatta, race, procession, pageant or any other similar event, must give at least 7 days' notice of the event to the Harbour Master. The organiser of the event may give the notice required on behalf of all Masters taking part.

(2) At the time of giving the notice required by paragraph (1), the Master and / or organiser must provide the Harbour Master with the risk assessments for the event required by the Ports and Marine Facilities Safety Code.

(3) No event referred to in paragraph (1) shall take place within the Harbour until the Harbour Master has given prior written consent. The Harbour Master will make available the criteria that must be met for the grant of consent and the terms and conditions that will apply to that consent.

(4) The taking part by a person on a Vessel in any event referred to in paragraph (1) within the Harbour is prohibited unless the Harbour Master has granted prior written consent to the Master of the Vessel, or to the organiser of the event, on behalf of all Masters taking part, in accordance with paragraph (3).

(5) The Master of a Vessel planning to take part or taking part in an event referred to in paragraph (1) of this byelaw and the organiser of that event shall comply with the terms and conditions imposed by the Authority or the Harbour Master when granting the prior written consent required by paragraph (3) 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. 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 them as owner, lessee or occupier of land within the restricted area.

76. 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 the Harbour Master 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 undermentioned levels on the standard scale:-

Level 4

- | | | |
|-----------|---|---|
| Byelaw 5 | - | Vessels to navigate with care |
| Byelaw 10 | - | Vessels adrift |
| Byelaw 18 | - | Navigation under influence of drink or drugs prohibited |

Level 2

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- Byelaw 48 - Vessels to have names or other means of identification
- Byelaw 49 - Registration of 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 they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence: or

(b) that they had a reasonable excuse for their 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, they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that person as was then in their possession.

77 Revocations

The Langstone Harbour Byelaws 1993 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 [] day of [].