



HARBOUR BYELAWS

**Made by the Commissioners for the Harbour of Cowes for the
regulation of Cowes Harbour and the navigation thereof and for other
purposes**

**1972
with additions and amendments
1985
1988**

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COWES HARBOUR

HARBOUR BYELAWS MADE BY THE COMMISSION FOR THE HARBOUR OF COWES FOR THE REGULATION OF COWES HARBOUR AND THE NAVIGATION THEREOF AND FOR OTHER PURPOSES.

The Commission for the Harbour of Cowes in exercise of the powers conferred on them by Section 44 of the Cowes Harbour Act 1897, Section 7 of the Cowes Harbour Order 1931, Section 32 of the Cowes Harbour Order 1936 and of all other powers them enabling, hereby made the following Byelaws.

PRELIMINARY

1. These Byelaws may be cited as the Cowes Harbour Byelaws 1972.
2. These Byelaws shall come into operation on the expiration of 28 days after the date of confirmation thereof by the Secretary of State for the Environment as from which date the Byelaws made by the Commission on the 20th day of July 1932 are hereby revoked.
3. In these Byelaws unless herein otherwise expressly provided or unless the context shall otherwise require the following expressions shall have the meanings hereby assigned to them:
 - "Commission" shall mean the Commission for the harbour of Cowes.
 - "Harbour" shall mean the Harbour of Cowes as defined in the Schedule hereto.
 - "Roads" shall mean Cowes Roads as defined in the Schedule hereto.
 - "Harbour Master" shall mean the Harbour Master appointed for the time being.
 - "Master" when used in relation to any vessel shall mean the Master or other person for the time being in charge of such vessel.
 - "vessel" shall include any vessel, ship, lighter, keel barge, raft, pontoon and craft of any kind however navigated, propelled or moved and any seaplane, flying boat, hovercraft (as defined by the Hovercraft Act 1968) hydrofoil or other craft designed to float or manoeuvre on water.
 - "under way" when used in relation to a vessel means when the vessel 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.
 - "person" shall include a corporation whether aggregate or sole.

MOORINGS AND NAVIGATION

4. No person shall lay moorings for private vessels in the Harbour without the permission in writing of the Commission and all such moorings shall be to such specifications and in such positions as the Commission shall deem fit and shall be forthwith removed on the requisition of the Harbour Master to that effect.
5. The Master of any vessel laying alongside or near any Quay within the Harbour shall, during all the time such vessel shall lay or be moored or be stationed at or near such Quay, have the anchors of the said vessel securely housed and all projections stowed within the rail of the said vessel.
6. All working rigs from shore installations or vessels in the Harbour shall be stowed inboard from vessels seaward side when not in use. Rigs in use between sunset and sunrise shall be adequately lighted.
7. No vessel shall anchor in the fairway of the Harbour or Roads in such a manner as to obstruct navigation except for temporary purposes.
8. The Master of any vessel lying within the Harbour and Roads shall if so required by the Harbour Master take up the anchor or anchors of such vessel and remove to some other safe position or berth to be indicated by the Harbour Master.
9. Every anchor which is let go in the fairway of the Harbour or Roads shall either have a watch buoy attached thereto in such a manner as clearly to indicate its position, or shall have its upper fluke bent or buried in such a manner as not to be likely to cause damage to any vessel navigating the fairway of the Harbour or roads.
10. Whenever the Commission shall deem it necessary for the purpose of dredging or cleansing the Harbour or Roads that any anchor or anchors lying in the bed of the Harbour or Roads shall be removed there from, the Master of any vessel to which such anchor or anchors belong or are attached, shall within three days after notice in writing signed by the Harbour Master has been given to him remove such anchor or anchors according to such Notice.
11. No Master of any vessel shall except for the legitimate purposes of navigation use a whistle or siren in the Harbour or Roads; it shall not be considered as a legitimate purpose of navigation to use a whistle or siren for the purposes of collecting passengers, or giving notice of intention to sail.

(Note: Amended in compliance with Revocation No. 3 of 1988 Byelaws).
12. Every mechanically propelled vessel navigating the Harbour or Roads shall, unless otherwise authorised by the Harbour Master in writing, be navigated at a speed not exceeding 6 knots over the ground and in a manner which shall not endanger the safety of other vessels boats or property or cause damage thereto.

Every such vessel shall reduce speed as necessary in the observance of the normal practice of safe seamanship when passing mooring trots, boats alongside wharves, jetties, pontoons, vessels engaged in maritime works or in any other circumstances which could endanger the safety of other persons vessels boats or properties or cause damage thereto.

13. Every vessel within the Harbour or Roads fitted with or propelled by an internal combustion engine, shall unless otherwise authorised by the Harbour Master in writing carry connected to the exhaust of such engine, a silencer of such size and construction and so securely and properly fitted as to prevent a nuisance or annoyance arising from the noise of the exhaust therefrom.
14. Byelaw deleted - reference Amendment of 1988.
15. Vessels entering or leaving the Harbour or Roads during the period commencing on the 1st day of March and ending on the 30th day of November in every year shall navigate within the fairway approach as shown by pecked lines on the Admiralty Charts. Vessels navigating in the Harbour or Roads to the North of the Chain Ferry and out of the main fairway as shown on the Admiralty Charts between the 1st day of December and the 28th day of February in every year shall do so with caution.
16. No person shall wilfully or negligently damage or interfere with any Harbour lights, or any other lights exhibited by or the property of the Commission. The Master of any vessel running into, fouling or damaging any sea mark shall immediately report the same to the Harbour Master.
17. No vessel shall moor to navigational buoys, navigational beacons or marks within the Harbour or Roads.
18. No person shall undertake underwater operations or diving activities of any kind within the Harbour or Roads without the written consent of the Harbour Master being first obtained. Nothing contained in this Byelaw shall authorise any operation on the seabed or foreshore below high water mark of medium tides, which is under the management of the Crown Estate Commission without the consent of the Crown Estate Commission having first been obtained.
19. No person shall engage or take part in water ski-ing or aqua-planing within the Harbour or Roads.
20. No person being the Master of any mechanically propelled vessel shall permit such vessel to be used for purposes of water ski-ing or aqua-planing within the Harbour or Roads.
21. The Master of a vessel shall forthwith report to the Harbour Master any collision in which the vessel is involved occurring in the Harbour or Roads. The Master of a

vessel colliding with or cutting adrift a navigation mark buoy or mooring buoy shall comply with this Byelaw.

22. The Master of a vessel which has sunk or has grounded in the Harbour or Roads shall forthwith give to the Harbour Master notice thereof and of the position of such vessel and such particulars as may be required for the safety of navigation.

The Master of a vessel which is attached to another vessel for the purpose of towing or manoeuvring the same shall give the notice required by this Byelaw in the event of such other vessel sinking through accident or other cause.

23. Every person within the Harbour or Roads who finds any buoy, beacon, timber or other article being of a size and nature likely to impede or obstruct navigation adrift or loose in the Harbour or Roads, or having reasonable ground for believing that any buoy, beacon, timber or other such article is adrift or loose in the harbour or Roads, shall immediately report the facts to the Harbour Master.
24. The organiser of any boat race, regatta, or any other occasion when a number of vessels is expected to assemble in the Harbour or Roads shall give not less than seven days notice thereof in writing to the Harbour Master.
25. A person shall not do any act or thing injuriously affecting the safety of navigation within the Harbour or Roads.
26. No vessel shall use, in such a manner as to cause an obstruction, any of the public landing places or hards within the Harbour.
27. No person shall use or cause to be used in such manner as to cause an obstruction, any of the public landing places or hards within the Harbour.
28. Byelaw deleted - reference Amendment of 1988.

AS TO DISCHARGE AND TAKING ON CARGO BALLAST AND GENERALLY

29. The Master of any vessel being in any part of the Harbour or Roads loading or unloading any ballast, coals, cinders, stones, bricks, tiles, dung or any other loose matter or thing shall cause a canvas or other cloth or sheet to be nailed, fixed or otherwise fastened extending from such vessel to the Wharf or Quay or other vessel so as to prevent any part of such ballast or other matter from falling into the Harbour or Roads.
30. No person shall within the Harbour or Roads discharge any gun, pistol, or other arms loaded with ball, shot, slug or other destructive material.
31. No person shall damage, deface or injure any notice board, building or other property or goods belonging to or in charge of the Commission within the Harbour or Roads or write obscene or offensive words on any such notice boards, building, property or goods.

32. No person shall without the written consent of the harbour Master pour, pump or wilfully or carelessly allow to escape into the Harbour or Roads any dangerous or offensive matter. The provisions of this Byelaw shall not apply to the discharge or escape into the Harbour or Roads of any dangerous or offensive matter being a discharge or escape which is subject to the provisions of the Oil in Navigable Waters Acts, 1955 and 1963.
33. No person shall deposit or cause to be deposited any trade or other refuse, rubbish or sweepings in any place in the Harbour or Roads other than in such place as the Harbour Master may approve in writing neither shall any person leave on or in any part of the Harbour any old boat or any disused gear or materials without permission in writing being first obtained from the Harbour Master.

THE CHAIN FERRY

- 34.
- (a) The Chain Ferry shall give way to vessels navigating in the Harbour whether proceeding in a northerly or southerly direction.
- (b) The Chain Ferry shall by day and by night when proceeding from one bank to the other exhibit at the fore-end a fixed amber light so positioned as to be visible all round. For the purposes of this Byelaw the fore-end of the Ferry means the end nearest the side of the River Medina to which the Chain Ferry is proceeding.
- (c) During fog or any other condition similarly restricting visibility the Chain Ferry shall sound when proceeding from one bank to the other two prolonged blasts on a whistle or a portable foghorn at intervals of not more than one minute.

Footnote:

- (i) It is stressed that the exhibition or sounding of signals does not grant or imply a right of way for the Chain Ferry. The signals are instituted for the benefit of vessels in the vicinity.
- (ii) Masters of vessels are advised to keep a sharp lookout for small craft liable to cross the path of the Chain Ferry when proceeding from one bank to the other either ahead or astern of its track.
- (iii) Nothing in the Byelaw in any way diminishes the responsibility of the Master of a vessel to take all necessary action in order to avoid a collision.

PENALTIES

35. Any person, or the Master of any vessel committing a breach of or in any way infringing any of the foregoing Byelaws shall be liable to a penalty not exceeding fifty pounds for each offence.

Dated 19th January 1972

The Common Seal of the Commission for the Harbour of Cowes
was hereunto affixed in the presence of:

FRANCIS J T MEW

Chairman

R W BEASLEY

Clerk

The Secretary of State for the Environment hereby confirm the foregoing Byelaws.
Signed by authority of the Secretary of State the 3rd March 1972.

D G FAGAN

An Assistant Secretary in the
Department of the Environment

THE SCHEDULE

The Limits of Cowes Harbour and Roads

From a public house called "The Folly" (on the eastern bank of the River Medina) due west to the western bank of the said river thence along the line of high water mark down the western bank of the River Medina and along the Harbour to Cowes Castle thence following the line of high water mark along the coast to Egypt Point thence to position Latitude $50^{\circ} 46'16''$ 9 N. Longitude $01^{\circ} 18'06''$ W. thence to Prince Consort Shoal Buoy thence to position Latitude $50^{\circ} 46'06''$ N. Longitude $01^{\circ} 16'31''$ W. thence in a southerly direction to the shore at the point nearest to the said last mentioned position and thence along the line of high water mark on the eastern bank of the River Medina and along the Harbour to the said public house called "The Folly".

So much of the area comprised within the said limits as lies to the southward of a straight line drawn from the outer extremity of Cowes Castle to high water mark at the outer extremity of Old Castle Point East Cowes shall be called the Harbour of Cowes and the remainder of such area shall be called Cowes Roads.

PENALTIES FOR COMMISSION OF OFFENCES

Under the "Harbours, Docks and Piers Clauses Act, 1847", incorporated with "The Cowes Harbour Act, 1897":

Section 28 Any person claiming and taking the benefit of any exemption from rates, without being entitled thereto, in respect of vessels belonging to Her Majesty, Her Heirs and Successors, or any member of the Royal Family, or of vessels in the service of the Customs or Excise, or the Corporation of Trinity House of Deptford Strond, or the Commission of Northern Lights, or in respect of any Packet Boat or Post Office Packet, or any Post Office bag of letters conveyed by any such Packet Boat or Packet, or by any other vessel whatsoever, or as being an Officer or person employed in the service of the Admiralty, Ordnance Customs, Excise, or Post Office, or in respect of the baggage of any such Officers or persons, or in respect of any vessel or goods being under seizure by the Officers of Revenue, or of any Naval actualling or Ordnance Stores, or other Stores or Goods for the service or being the property of Her Majesty, or of any troops landed upon or delivered or disembarked from any of the Quays of the Harbour, Dock, or Pier, or in respect of their baggage.

Penalty - Not exceeding Ten Pounds.

Section 35. The Master or person in charge of any vessel liable to rates failing to report the arrival of such vessel to the Harbour Master within twenty-four hours of the arrival of the vessel.

Penalty - Not exceeding Ten Pounds.

Section 36. The Master or person in charge of any registered vessel failing to produce the Certificate of Registry of such vessel to the Collector of Rates.

Penalty - Not exceeding Twenty Pounds.

Sections 37 and 38. Any Master or person in charge of a vessel of which the cargo or part of the cargo shall be unshipped within the limits of the Harbour, Dock or Pier, failing to deliver to the Collector of Rates the name of the consignee of the goods intended to be unshipped, or other person to whom the same are to be delivered and if the whole cargo is intended to be unshipped, a copy of the Bill or Loading or Manifest of the cargo, or if part only of the cargo be intended to be unshipped; the best account in writing in his power of the kinds, weights, and quantities of the several goods intended to be unshipped; or failing, if required by the Collector of Rates to give him twelve hours notice of the time at which the cargo of such vessel, or any part of the same is intended to be unshipped; or any Master giving any false particulars or notice with respect to any of the matters above mentioned.

Penalty - Not exceeding Ten Pounds.

Section 39. Any person shipping any goods on board of any vessel lying within the limits of the Harbour, Dock or Pier, without previously giving to the Collector of Rates a true account signed by him, of the kinds, quantities and weights of such goods, or any person giving a false account of such goods.

Penalty - Not exceeding Ten Pounds

Section 43. If the Master of any vessel or the owner of any goods evade the payment of the rates payable to the Undertakers in respect of such vessel or goods or any part thereof; he shall pay to them three times the amount of the rates of which he shall so have evaded the payment and the same shall be recovered from such Master or Owner respectively in the same manner as penalties imposed by this Act are directed to be recovered or by Action in any Court of competent jurisdiction.

Section 52. The Harbour Master may give directions for all or any of the following purposes (that is to say):

For regulating the time at which and the manner in which any vessel shall enter into, go out of; or lie in or at the Harbour, Dock or Pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein:

For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof; or shall take in or land its passengers, or shall take in or deliver ballast within or on the Harbour, Dock or Pier:

For regulating the manner in which any vessel entering the Harbour or Dock or coming to the Pier shall be dismantled, as well as for the safety of such vessel as for preventing injury to other vessels and to the Harbour, Dock or Pier, and the moorings thereof:

For removing unserviceable vessels and other obstructions from the Harbour, Dock or Pier and keeping the same clear:

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the Harbour, Dock or Pier shall have during the delivery of her cargo, or after having discharged the same:

Provided always that nothing in this or the Special Act contained shall authorise the Harbour Master to do or cause to be done any Act in any way repugnant to or inconsistent with any Law relating to the Customs, or any Regulation of the Commission of Her Majesty's Customs.

Section 53. The Master or person in charge of any vessel within the Harbour or Dock failing forthwith to regulate such vessel according to the directions of the harbour Master made in conformity with "The Harbours, Docks and Piers Clauses Act, 1847", after receiving Notice of such direction by the Harbour Master.

Penalty - Not exceeding Twenty Pounds.

Section 55. Any person giving or offering any sum of money, or anything whatsoever, by way of reward or bribe to any Harbour Master, or any Officer employed in or about the Harbour, Dock or Pier for the purpose of gaining an undue preference in the execution of his Office, or for the purpose of inducing such Harbour Master or other Officer to do or omit to do anything relating to his office.

Penalty - Twenty Pounds

Section 59. The Master or person in charge of any vessel not causing her to be dismantled in the manner required by the Harbour Master before she enters the Harbour or Dock, or approaches the Pier, after notice has been given to the Master of such vessel so to dismantle.

Penalty - Not exceeding Ten Pounds.

Section 61. The Master or person in charge of any vessel having her in the harbour or Dock without substantial hawsers, tow lines, or fasts fixed to the dolphins, booms, buoys or mooring posts, when required by the Harbour Master.

Penalty - Not exceeding Ten Pounds.

Section 62. Every person other than the Harbour Master wilfully cutting, breaking or destroying the mooring or fastening of any vessel.

Penalty - Not exceeding Five Pounds.

Section 63. The Master or person in charge of any vessel either placing it or suffering it to remain in the entrance of the Harbour or Dock, without the permission of the Harbour Master and not forthwith removing such vessel on being required to do so by the Harbour Master.

Penalty - Not exceeding Five Pounds and a further sum of One Pound for every hour that such vessel shall so remain after a reasonable time for removing the same has expired after such requisition.

Section 64. The Master or person in charge of any vessel lying in the Harbour or Dock failing to remove such vessel within three days after notice in writing has been given him by the Harbour Master to do so, when such removal is deemed necessary for the purpose of having the Harbour, Dock, or Pier repaired, scoured, or cleansed.

Penalty - Not exceeding Ten Pounds.

Section 66. The Master or person in charge of any vessel who shall not, after she has been discharged of her cargo, cause her to be removed to the place consigned for empty vessels within twenty-four hours after being required to do so by notice in writing by the Harbour Master.

Penalty - Not exceeding Ten Pounds.

Section 69. Every person, being the owner of, or having the charge of; any tar, pitch, resin, spirituous liquors, turpentine, oil or other combustible thing, which shall be upon any quay, dock, or wharf belonging to the Board, or on the deck of any vessel within the Harbour or Dock, failing to remove the same to a place of safety, within two hours after being required to do so by notice in writing from the Harbour Master.

Penalty - Not exceeding Two Pounds for every hour such combustible thing shall so remain.

Section 71. Any person boiling or heating any pitch, tar, resin, turpentine, oil, or other combustible matter, on any vessel lying within the Harbour or Dock or near the Pier, or in any place within the limits of the Harbour, Dock, or Pier, except in such place and in such manner as shall be specially appointed for that purpose:

Any person bringing any loaded gun on the Quays or works of the harbour or Dock, or on the Pier, or having or suffering to remain any loaded gun in any vessel in the Harbour or Dock, or at or near the Pier:

Any person, without permission, *bringing or suffering to remain, any gunpowder on the Quays or works of the Harbour, or within the Dock, or on the Pier, or in any vessel# within the Harbour or Dock, or at or near the Pier.

Penalty - Not exceeding Ten Pounds for each offence.

Section 72. Any person obstructing the Harbour Master in entering into any vessel within the Harbour or Dock, or at or near the Pier, to search for any fire or light in, or suspected to be in, such vessel.

Penalty - Not exceeding Ten Pounds.

Section 73. Every person who shall throw or put any ballast, earth, ashes, stones, or other thing into the Harbour or Dock shall for every such offence be liable to a penalty not exceeding Five Pounds. Provided always, that nothing in this Act contained shall prejudice or prevent any person from adopting any measures which but for the passing of this Act he would be lawfully entitled to adopt for recovering any land which shall at any time have been lost to him or severed from land belonging to him, by reason of the overflowing or washing of any navigable river, or for protecting his land from future loss or damage by the overflowing or washing of such navigable river.

Under the “Cowes Harbour Act 1897”

Any person wilfully and knowingly making any false entry in the Statement prescribed by the Act to be made by Freighters qualified to vote for Traders' Members or producing any falsified document shall for every such offence be liable to a penalty not exceeding Fifty Pounds. Section 12.

* By Wharfinger # By Harbour Master

Every person who wilfully obstructs any person acting under the Authority of the Commission, or who injures, pulls up, or removes any buoys, beacons, poles, posts, moorings or other conveniences shall for every such offence be liable on conviction to a penalty not exceeding Ten Pounds and shall in addition be liable to repay to the Commission any expenses incurred by them in making good such damage. Section 38.

*NOTE: Appendix of original 1972 Harbour Byelaws showing Hovercraft Channels deleted.
Reference Revocation of Byelaws 1988 No 3.*

ADDITIONAL HARBOUR BYELAWS MADE BY THE COMMISSION FOR THE HARBOUR OF COWES FOR THE REGULATION OF COWES HARBOUR

The Commission for the Harbour of Cowes in exercise of the powers conferred on them by Section 83 of the Harbours, Docks and Piers Clauses Act 1847 as the same have effect by virtue of Section 2 of the Cowes Harbour Act 1897, and by Section 44 of the Cowes Harbour Act 1897, Section 7 of the Cowes Harbour Order 1931, Section 32 of the Cowes Harbour Order 1936 and of all other powers enabling them in that behalf hereby made the following Byelaws.

TITLE AND COMMENCEMENT

1. These Byelaws may be cited as the Cowes Harbour Byelaws 1984.

INTERPRETATION

2. In these Byelaws:

“Commission” means the Commission for the Harbour of Cowes; “Harbour” means the Harbour of Cowes as defined in the Schedule to the Cowes Harbour Byelaws 1972.

“Roads” means Cowes Roads as defined in the Schedule to the Cowes Harbour Byelaws 1972.

“Board Sailing” means the navigation or propulsion of a sailboard; “Sailboard” means a vessel in the form of a raft with a sail or sails designed to be navigated by a person or persons standing upright thereon.

“The main harbour fairway approaches” are defined as the area within the pecked lines as shown on the Admiralty Charts. “The main navigable fairway” is defined as the area within the line to the east from No 3 Fairway Buoy southwards to Watch House Light Beacon, thence by outer line of pontoons and jetty landings to the Chain Ferry and the area within the line to the west from No 4 Fairway buoy southwards to No 6 Buoy and thence to No 8 Buoy. Thereafter, the area of the fairway continues to the south between Shepards Wharf and British Hovercraft Corporation/Red Funnel frontage, East Cowes; Thetis Wharf and Trinity Wharf; thence the area between the Chain Ferry landings; thereafter, the area of the fairway is bounded by the line of moorings on each side of the river within the jurisdiction of the Cowes Harbour Commission to the south.

DRIFT OF TRAWLING NETS NOT TO OBSTRUCT VESSELS

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

(Note: Addition - Amendment 1988 Byelaw No. 4 - "No person shall leave any net unattended at any time")

BOARD SAILING

4. No person, unless otherwise authorised by the Harbour Master in writing, shall engage or take part in board sailing within the main navigable fairways of the Harbour and the fairway approaches; nor within the hovercraft channel.

VESSELS LEAVING MARINAS OR MOORINGS

5. The Master of any vessel leaving a marina area or moorings within the Harbour shall give way to vessels navigating within the fairway of the Harbour or Roads.

PENALTIES

6. i. Any person who contravenes or otherwise fails to comply with any of these Byelaws shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £400.
- 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 commissions 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.

AMENDMENT

7. Byelaw 35 of the Cowes Harbour Byelaws 1972 is hereby amended by the substitution for the words "Fifty Pounds" for the words "One Hundred Pounds".

Dated 13th February 1985

The Common Seal of Cowes Harbour Commission
was hereunto affixed in the presence of:

H J MOON

Chairman

H N J WRIGLEY

Harbour Master / Clerk

The Secretary of State hereby confirms the foregoing Byelaws.
Signed on behalf of the Secretary of State for Transport this
21st day of February, 1985

M. BAIN
An Assistant Secretary
in the Department of Transport

ADDITIONAL HARBOUR BYELAWS MADE BY THE COMMISSION FOR THE HARBOUR OF COWES FOR THE REGULATION OF COWES HARBOUR

The Commission for the Harbour of Cowes in exercise of the powers conferred on them by Section 83 of the Harbours, Docks and Piers Clauses Act 1847 as the same have effect by virtue of Section 2 of the Cowes Harbour Act 1897 and by Section 44 of the Cowes Harbour Act 1897, Section 7 of the Cowes Harbour Order 1931, Section 32 of the Cowes Harbour Order 1936, the Dangerous Substances in Harbour Areas Regulations 1987 and of all other powers enabling them in that behalf hereby made the following Byelaws.

TITLE AND COMMENCEMENT

1. These Byelaws may be cited as the Cowes Harbour Byelaws 1988.

INTERPRETATION

2. In these Byelaws

“Commission” means the Commission for the Harbour of Cowes.

"Harbour" means the Harbour of Cowes as defined in the Schedule to the Cowes Harbour Byelaws 1972.

"Roads" means Cowes Roads as defined in the Schedule to the Cowes Harbour Byelaws 1972.

"The main navigable fairway" is defined as the area described in the Additional Harbour Byelaws set out as Cowes Harbour Byelaws 1984.

REVOCATION OF BYELAWS

3. Byelaws made by the Cowes Harbour Commission pursuant to the Cowes Harbour Act 1897, Cowes Harbour Orders 1931 and 1936 and confirmed by the Cowes Harbour Byelaws 1972.

Byelaw No 11 - Delete "or as required by Byelaw No 14".

Byelaw No 14 - Delete.

Byelaw No 28 - Such Byelaw is revoked due to the discontinuance of the hovercraft channel as shown in plan form in the Appendix of the 1972 Harbour Byelaws.

AMENDMENT OF BYELAWS

4. Additional to Cowes Harbour Byelaws 1984:

Byelaw No 3, add "No person shall leave any net unattended at any time".

UNSEAWORTHY VESSELS

5. The master of any vessel shall not knowingly cause or permit such vessel to be moved or navigated or moored or anchored or beached or secured in any other manner in the Harbour whilst in an unsafe or unseaworthy condition except as is necessary for her safety and that of her crew and in such event the owner or Master shall, as soon as reasonably practicable, inform the Harbour Master and remove the vessel into such place as may be indicated by the Harbour Master.

DESTRUCTION OF VESSELS, WRECKS ETC.

6. No person shall intentionally or recklessly set fire to, detonate, destroy or break up any vessel, wreck or structure within the Harbour without the permission of the Harbour Master first being obtained and then only in such position as shall be permitted by the Harbour Master in writing and with such reasonable conditions as he may stipulate.

POWER OF HARBOUR MASTER IN EMERGENCIES

- 7.(a) In the event of emergency the Harbour Master may remove a vessel or mooring or cause the same to be removed.
- (b) In the circumstances described in paragraph (c) of this Byelaw the Harbour Master may remove a vessel or mooring or cause the same to be removed, provided that, having taken all reasonable steps, he has been unable to contact the Master or owner of such vessel or mooring with the objective of requiring such Master or owner himself to remove such vessel or mooring.
- (c) The circumstances in which paragraph (b) of this Byelaw shall apply are as follows:
- i to avoid damage or injury to any persons, vessel, mooring or other property in the Harbour; or
 - ii whenever the Harbour Master considers it necessary in the interests efficient management and operation of the Harbour.
- (d) Where a vessel or mooring is removed by the Harbour Master in accordance with the preceding provisions of the Byelaw, the Harbour Master shall inform

the Master or Owner of the vessel or mooring of its removal and its new position as soon as reasonably practicable.

SOUND AND PYROTECHNICAL SIGNALS

8. (a) No person shall sound or use or knowingly cause or permit to be sounded or used in the Harbour a siren, steam whistle, fog horn, distress rocket, or other instrument or appliance for producing alarm signals on any occasion or for any purpose other than in connection with navigation, distress or race control.
- (b) The use of distress flares, rockets, pyrotechnics for any other purpose other than that for which they are designed, shall be deemed to be an offence within the meaning of these Byelaws.
- (c) The organiser of any firework display which is intended to be exhibited from a vessel within the Harbour or from any structure within the Harbour bounds, shall seek the consent of the Harbour Master by submission in writing not less than fourteen days before the intended occasion.

BRIGHT LIGHTS

9. No persons shall exhibit in the Harbour, searchlights, floodlights or other bright lights or pyrotechnics other than those for indicating emergency or distress, in such a manner as to interfere with safe navigation unless the consent of the Harbour Master has first been obtained.

BYELAWS RELATING TO NAVIGATION APPLICATION OF COLLISION REGULATIONS

10. The master of a vessel shall comply with the International Regulations for Preventing Collisions at sea, except as otherwise provided by the Cowes Harbour Byelaws.

NAVIGATING IN FAIRWAY

- 11.(a) The Master of a small vessel which is not confined to a fairway shall not intentionally make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.
- (b) The Master of a vessel crossing a fairway or of a vessel turning shall so navigate as not intentionally to cause obstruction to any other vessel.

NAVIGATION WHILST UNDER THE INFLUENCE OF DRINK OR DRUGS

12. (a) No persons shall navigate or attempt to navigate a vessel when unfit by reason of drink or drugs so to do.
- (b) No Master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Byelaw.

MANAGEMENT OF VESSELS

13. (a) The Master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall, as soon as reasonably practicable, give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and if the Harbour Master so directs shall cause it to be recovered as soon as reasonably practicable.
- (b) No master of a vessel slipping or parting from an anchor shall, without reasonable excuse, fail to leave a buoy to mark the position thereof.

VESSELS TO KEEP ANCHOR WATCH

14. The Master of any vessel anchored in the Port shall have a competent person on duty at all times to ensure that the vessel's anchored position is maintained, that the correct signals are displayed or made, and that the vessel is maintained in a safe condition. Vessels fitted with VHF radio shall maintain a listening watch on either Channel 16 or Port working frequency.

Dated 2 August 1988

The Common Seal of Cowes Harbour Commission was hereunto affixed in the presence of:

H J MOON

Chairman

H N J WRIGLEY

Harbour Master/Chief Executive

Signed by authority of the Secretary of State

8 August 1988

J R FELLS

An Assistant Secretary, Department of Transport

ADDITIONAL AND AMENDED HARBOUR BYELAWS MADE BY THE COMMISSION FOR THE HARBOUR OF COWES FOR THE REGULATION OF COWES HARBOUR

1. The Commission for the Harbour of Cowes in exercise of them:

"Commission" means the Commission for the Harbour of Cowes.

"Harbour" means the Harbour of Cowes as defined in the Schedule to the Cowes Harbour Byelaws 1972.

"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, the master of which vessel steers it with or without rudder at the stern by means of a handle bar operated linkage system and/or by altering the powers conferred on them by Section 83 of the Harbours Docks and Piers Clauses Act 1847 as the same have effect by virtue of Section 2 of the Cowes Harbour Act 1897 and by Section 44 of the Cowes Harbour Act 1897, Section 7 of the Cowes Harbour Order 1931, Section 32 of the Cowes Harbour Order 1936 and all other powers enabling them in that behalf hereby made the following Byelaws:

TITLE AND COMMENCEMENT

2. These Byelaws may be cited as the Cowes Harbour Byelaws 1992 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Minister.

INTERPRETATION

In these Byelaws unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to relationship between the body weight of the person or persons carried on the vessel and the vessel itself.

"Roads" means the Cowes Roads as defined in the Schedule to the Cowes Harbour Byelaws 1972.

"The main navigable fairway" is defined as the area described in the additional Harbour Byelaws as set out in the Cowes Harbour Byelaws 1984.

"The main harbour fairway approaches" is the area described in the additional Harbour Byelaws 1984.

AMENDMENT OF COWES HARBOUR BYELAWS 1972

3. The Cowes Harbour Byelaws 1972 shall be amended as follows:

i. In Byelaw No 34 (b) the words "a flashing white light" shall be substituted for "a fixed amber light".

ii. For Byelaw No 21 the following Byelaw shall be substituted:

"The Master of a vessel shall, as soon as reasonably practicable, report any marine accident which has resulted either in injury to a person or persons, vessels or property to the Harbour Master. Such report must include brief details of the circumstances as to the possible cause of such marine accident."

iii. For Byelaw No 35 the following Byelaw shall be substituted:

"35. i. Any person who contravenes or otherwise fails to comply with any of these Byelaws shall be guilty of an offence and be liable on summary conviction to a fine 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 of assisting in the identification of that person as was then in his possession."

AMENDMENT TO COWES HARBOUR BYELAWS 1984

- 4 In Byelaw 6 (i) of the Cowes Harbour Byelaws 1984 the words "level 3 on the standard scale" shall be substituted for the figure "£400".

AMENDMENT TO COWES HARBOUR BYELAWS 1988

- i. The following Byelaw shall be inserted in the Cowes Harbour Byelaws 1988 after Byelaw 14:

Penalties

- 15 i. Any person who contravenes or otherwise fails to comply with any of these Byelaws shall be guilty of an offence and liable on summary conviction to a fine 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 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.

JET SKI-ING

6. Any person or persons riding or navigating or using a jet-ski in Cowes Harbour shall not deviate outside of "the main navigable fairway". Such person or persons riding or navigating or using a jet-ski may only deviate from the main navigable fairway in order to make the shortest approach to a recognised landing or mooring area.

Such person or persons riding or navigating or using a jet-ski shall keep clear of all areas within the jurisdiction of Cowes Harbour where vessels are moored.

PROHIBITED AREA OF COWES HARBOUR FOR SWIMMING ACTIVITIES

7. No person or persons shall swim for recreational purposes within the area of Cowes Harbour defined as "the Main Harbour Fairway approaches" or "the main navigable fairway". This Byelaw also refers to areas outside of those areas defined as "main Harbour fairway approaches" and "main navigable fairway" which includes all areas around berthing and mooring facilities within Cowes Harbour.

GENERATOR AND OTHER ENGINE NOISES

8. No person on board a vessel moored within marinas or other mooring areas shall cause to be used generators or other combustion engine machinery which is described as a noise nuisance between the hours of sunset to sunrise.

DISCHARGE OF SEWAGE INTO COWES HARBOUR

9. No person shall cause the discharge of sewage or other pollutant materials into Cowes Harbour when moored within or alongside marina mooring facilities or alongside pontoon berths having direct pedestrian access to the shore.

Penalties

- i) Any person who contravenes or otherwise fails to comply with any of these Byelaws shall be guilty of an offence and be liable on summary conviction to a fine 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 or 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.

Dated 3 February 1992

The Common Seal of Cowes Harbour Commission was hereunto affixed in the presence of:

R L BRADBEER

Chairman

H N J WRIGLEY

Harbour Master/Chief Executive

The Secretary of State hereby confirms the foregoing Byelaws.

Signed on behalf of the Secretary of State for Transport this 17th day of March 1992.

M W JACKSON

An Assistant Secretary in the Department of Transport