

**CROUCH HARBOUR
BYELAWS 1978
(As amended by the
Crouch Harbour
(Amendment) Byelaws 1992)**

(Composite Version)
Crouch Harbour Byelaws 1978 (as amended by the
Crouch Harbour (Amendment) Byelaws 1992

The Crouch Harbour Authority, in exercise of the powers conferred by Section 64 of the Crouch Harbour Act 1974 and of all other powers thereunder enabling them, hereby do make the following byelaws: such Byelaws having been the subject of the consultations required under the aforementioned section.

PART I

Preliminary

Citation

1. These Byelaws may be cited as “The Crouch Harbour Byelaws 1978, as amended by the Crouch Harbour (Amendment) Byelaws 1992”.

Commencement

2. These Byelaws shall come into operation on the expiration of one month from the date of confirmation thereof by the Secretary of State for Transport and shall apply within the limits of the harbour.

Division into parts

3 These byelaws are divided into parts as follows:-

Part I – Preliminary
Part II – Byelaws relating to Navigation
Part III – Byelaws relating to Moorings, Anchoring etc.
Part IV – Miscellaneous and General.

Interpretation

4. The following words and expressions shall have the meanings hereby assigned to them, namely:

“The Fairway” means the channels shown on the Admiralty Chart of the area in force for the time being as being accessible to vessels of maximum draft able to navigate safely between the Horse Shoal buoy in the East and No. 15 Fairway buoy in the West of the River Crouch and between No.1 buoy in the North East and No.3 buoy in the South West of the River Roach.

“The Harbour” means the area described in Section 63 (Limits of Harbour) of the Crouch Harbour Act 1974 and indicated on the maps attached to these byelaws.

“The Harbour Master” means the Harbour Master appointed by the Crouch Harbour Authority or any other officers appointed by that Authority or any other officers appointed by that Authority for securing observance of these byelaws and his or their duly authorised assistants.

“Line”, where it appears in the schedule hereto, means an imaginary straight line.

“Power driven vessel” includes any vessel whilst it is being propelled by machinery.

“Master” means any person, whether the owner or not, having or taking command or charge of any vessel for the time being and includes any person who, being on board, is entitled to give orders to the person having the actual control.

“Vessel” means every description of vessel, however navigated, propelled or moved and includes any ship, lighter, keel, barge, boat, raft, pontoon, hovercraft, hydrofoil vessel and craft of any kind and any seaplane on the surface of the water.

The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament and as if for the purposes of Sections 16 and 17 of that Act these byelaws were an Act of Parliament.

PART II

Byelaws relating to Navigation

Careful Navigation

5. No Master of a vessel, shall cause or permit such vessel to be navigated in a manner dangerous to other vessels or persons or without due care and attention or without reasonable consideration for other persons.

Speed Limit

6. Within the areas described in the Schedule hereto and indicated on the attached maps, subject to byelaw 5 and to the requirements of maintaining adequate steerage way and control, no Master shall permit or cause any power driven vessel to be navigated at a speed exceeding eight knots through, on or over the water, provided that this byelaw shall not apply to any vessel on any occasion when it is being used for Harbour Authority, police, fire-fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the purpose for which it is being used on that occasion.

Fishing

7. No Owner or Master shall use his vessel or cause or permit it to be used for drift or trawl net fishing through the Fairway.

Vessel sunk, abandoned or adrift

8(a) The Owner or Master of every vessel which through accident or other cause has sunk in the Harbour shall as soon as practicable give notice thereof and of the position of such vessel to the Harbour Master.

8(b) The Owner or Master of a vessel which has been abandoned or has gone adrift or is missing from her moorings in the Harbour shall notify the Harbour Master of the relevant facts as soon as practicable.

Watersports

9(a) No person shall engage in any of the activities listed below at (i) or use any of the equipment listed below(ii) or engage in any similar activity or use any similar craft or equipment without the written permission of the Harbour Authority given either specifically or generally, and then only in such areas as may be designated for that purpose and only in accordance with such reasonable conditions as the Authority may impose.

(i) Waterskiing, aquaplaning, parasailing, paragliding, parascending, parakiting or parachuting.

(ii) Personal water craft, water scooter, jet bike, jet ski, wet bike, water bike or power board.

9(b) A vessel engaged in towing a waterskiier or waterskiiers, or a person or persons aquaplaning, or a person or person parasailing, paragliding, parascending, parakiting or parachuting or undertaking a similar activity shall have on board in addition to a Master at least one other person capable of taking charge of the vessel and of giving assistance as may be reasonably required during the towing and recovery of a person or persons

waterskiing, aquaplaning, parasailing, paragliding, parascending, parakiting or parachuting and each such vessel shall carry:-

- (i) for each person on board a lifejacket to BS Specification No 3595 or a personal buoyancy aid of the British Marine Industries Federation approved type or after 1st July 1992 EN/BS Specification for lifejacket or personal buoyancy aid as appropriate. Each vessel shall carry at least two hand held distress signals and one fire extinguisher.
 - (ii) For each person waterskiing or undertaking any of the other activities aforementioned a rescue quoit with a line or other sufficient hand-thrown rescue device.
- At all times it shall be the responsibility of the Master to ensure that a lifejacket or personal buoyancy aid to the specification in (i) above and appropriate for the activity being undertaken is worn by the person or persons undertaking the activity.

Unseaworthy Vessels

10. No Master shall cause a vessel to navigate the Harbour in an unsafe or unseaworthy condition, except as may be necessary in the interests of safety or such vessel and that of her crew.

PART III

Byelaws relating to Moorings, Anchoring, etc.

Fairways

11. No Master shall cause or permit any vessel to anchor so as to obstruct any Fairway.

Charge of Anchored vessels

12. The Owner or Master of a vessel anchored in the Harbour shall if required by the Harbour Master so to do, cause at least one responsible person to be on board at all times while she remains so anchored.

Vessels not to make fast to others

13. Except in an emergency no Master shall cause or permit any vessel to be made fast to any other vessel without the permission of the Master of such other vessel or his agent unless ordered so to do by the Harbour Master.

Interference with vessels and moorings

14. No person shall within the Harbour cast any vessel off her moorings or anchors without lawful authority or interfere with any moorings, including any mooring buoy and the ground tackle connected thereto.

Obstruction of pier, etc.

15. No person transferring gear, equipment or stores to or from any vessel shall deposit any portion thereof on any public landing space including any public pier, jetty, pontoon, slipway or hard within the Harbour in such a way as to obstruct the free and safe use of such public landing place or any crane, mooring post or fixture thereon.

PART IV

Miscellaneous and General

Storage of petrol etc.

16. No person shall carry or store or cause or permit to be carried or stored on any vessel within the Harbour any petrol or other inflammable fuel or inflammable gas in any container other than a container that is in good condition and is suitably constructed and marked an of approved material for carrying such fuel or gas.

Engine installations – construction and use

17(a) No Owner or Master shall cause or permit to remain in the Harbour any vessel having any engine installation which does not by reason of its construction or installation comply with the recognised code of engine practice issued for the time being by the Ship and Boat Builders' National Federation or with equivalent or similar standards, provided that in the case of vessels already in use on the date when these byelaws come into effect it shall be a defence to any action under this byelaw to show that all reasonable steps have been taken to comply with this standard and that to comply in every detail would cause unreasonable expense.

17(b) No Owner or Master of a vessel having an internal combustion engine shall use that vessel or cause or permit it to be used within the harbour unless it is fitted with a silencer expansion chamber or other apparatus suitable and sufficient for reducing as far as may be reasonable the noise caused by the exhaust gases from the engine. Such engine may be fitted with a device for cutting out the silencer or other apparatus provided that the device is only used to enable the engine to be started.

Inspection of vessels by the Harbour Master

18 The Master of any vessel in the Harbour shall when so required by the Harbour Master afford every reasonable facility to enable the Harbour Master to ascertain whether or not these byelaws are duly observed.

Drink or Drugs

19 No Master shall navigate any vessel within the Harbour whilst under the influence of drink or drugs to such an extent as to be incapable or taking proper control of the vessel.

Obstruction

20 No person shall intentionally obstruct any officer of the Harbour Authority in the reasonable execution of his duty.

Buoys, Marks, Beacons

21 No person shall trespass on, make fast to, or interfere with any light, beacon, sea mark, navigation buoy or mark, racing buoy, speed limit marker buoy, tide pole or notice board with the Harbour.

Shipbreaking etc.

22 No person shall break up a vessel or cause or permit a vessel to be broken up with the Harbour except with the previous written permission of the Harbour Master and at such place as he shall appoint and subject to such terms and conditions as he may stipulate.

Rubbish and Refuse

23(a) No person shall intentionally deposit in the Harbour any rubbish, refuse, ballast, stones, earth, clay or other abandoned article or material, whether solid or liquid, other than water, provided that this byelaw shall not apply to the return to the water of material unintentionally raised from the bottom in the course of fishing or dredging for oysters nor to the deposit of dredgings as authorised by the Harbour Authority under Section 24 of the Crouch Harbour Act.

23(b) So far as the requirements of this byelaw relate to any abandoned articles or material as aforesaid which is capable of draining, washing, seeping, drifting or floating into the Harbour such requirements shall extend to any lake, pit, pond or other substantially enclosed water or river, stream or watercourse adjacent to the Harbour and from which for the time being vessels may be navigated (whether or not through a lock or other similar work) into the Harbour.

Collisions

24 The Master of any vessel involved in an accident which causes damage to any other vessel or vessels within the Harbour shall give particulars of the incident and of the other vessel or vessels involved and his name and address to the Harbour Master within seven days and shall also give his name and address to the Master or Masters of such other vessel or vessels, if present, and shall, if called upon to do so, produce evidence of the validity of the name and address given, provided that this byelaw shall not apply when both or all of the vessels involved in an accident are engaged in racing under International Yacht Racing Union or Union Internationale Motonautique rules for the time being in force.

Powers of Arrest

25 Revoked by the Crouch Harbour (Amendment) Byelaws 1992

Penalties

26(a) Any person contravening any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine as follows:-

- (i) for a contravention of byelaw 12, not exceeding level 2 on the Standard Scale;
- (ii) for the contravention of byelaws 5,10,16 and 19, not exceeding level 4 on the Standard Scale;
- (iii) for the contravention of any other byelaw not exceeding level 3 on the Standard Scale.

26(b) 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 the offence; and a person may be charged with and convicted of an offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.

26(c) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove –

- (i) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
- (ii) that the person had a reasonable excuse for his act or failure to act.

26(d) If in any case the defence provided by paragraph (c)i 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 days clear before the hearing, he has served on the prosecutor a notice in writing giving such information identifying of that person as was then in his possession.

Schedule

**AREAS OF THE HARBOUR AT OR BELOW HIGH WATER MARK IN WHICH
THE 8 KNOT SPEED LIMIT SHALL APPLY AT ALL TIMES**

River Crouch

A The area between a line extending west across the river at the seaward end of Short Reach from Grid Reference 79959565 and a line extending south-east across the river at Brandy Hole from Grid Reference 82959606.

B Fenn Creek (below the confluence of Fenn Brook and Rettendon Brook).

C The area of Clements Green Creek lying to the west and north of a line extending north across the Creek from the north-eastern extremity of the east bank of Hawbush Creek (Grid Reference 82609658).

D Stow Creek.

E The area between a line extending south across the river from a point on the seawall 240 yards (approximately 217) west of the small white hut on the north bank between Stow Creek and Fambridge Ferry (Grid Reference 846396650) and a line extending south across the river from Grid Reference 85989655.

F Bridgemarsh Creek and Althorne Creek

G The area between a line extending from the beacon on the oyster pits on the north bank of the river (Lat. 51o37'.75N – Long. 0o47'.17E) west of the property know as Tideways at Creeksea to the beacon on the south bank of the river (Lat.51o37'.50N – Long. 0o.47'.0E) which is in line with the property known as Lion House at Canewdon and a line extending south across the river through a point 80 yards (approximately 73 metres) westwards of the electricity cable beacon on the north bank (Grid Reference 96409540). (Lat.51.o37'.33N – Long. 0o50'.02E).

River Roach

H The area between a line extending north-west across the river from the northernmost extremity of Barling Ness (Grid Reference 94469115) (Lat. 51o35'.13N – Long 0o48'.45E) and a line extending south-east across the river from the easternmost extremity of the west bank of Paglesham Pool where it joins the river (Grid Reference 95259255) (Lat.51o35'.83N – Long. 0o49'.22E).

J Potton Creek

K Barlinghall Creek, Fleethead Creek and Little Wakering Creek.

L The area of Havengore Creek from its junction with Potton Creek to Havengore Bridge.

M Shelford Creek.

N New England Creek.

R The Middleway and Yoke Fleet

S Paglesham Pool.

The Common Seal of the Crouch Harbour Authority was hereunto affixed this Tenth day of March One Thousand nine hundred and ninety two in the presence of:-

J.P. QUILLIAM ROBERT ADCOCK
Chairman of the Harbour Authority Clerk to the Harbour Authority

The Secretary of State hereby confirms the foregoing Byelaws.

Signed by the Authority of the Secretary of State for Transport the 13th day of March 1992.

M.W. JACKSON
An Assistant Secretary
in the Department of Transport.

Note 1. Standard Scale of Fines The Criminal Justice Acts of 1982 and 1991 provide for a standard scale of fines for summary offences. At the time the byelaws were confirmed, the relevant levels were:-

level 2 - £100
level 3 - £400
level 4 - £1,000

From October 1992 the levels will be:-

Level 2 - £500
Level 3 - £1,000
Level 4 - £2,500

NOTE

LIMITS OF HARBOUR

AN EXTRACT OF SECTION 63 OF THE CROUCH HARBOUR ACT 1974

Limits of harbour 63 – (1) In this section -

“the landward limits” means a line drawn across the River Crouch along the downstream face of the railway bridge at National Grid reference point TQ 76739408 and a line drawn across the River Roach along the weir at Stamford Mills at National Grid reference point TQ 88669024;

“the seaward limit” means a line commencing at position latitude 51°37'00" North; longitude 00°57'19" East (Foulness Point) and drawn therefrom on a bearing of approximately 058° true to position latitude 51°41'36" North; longitude 01°09'00" East and then on a bearing of 270° true to position latitude 51°41'36" North, longitude 00°56'25" East (being a position east of Tillingham on the coast of the Dengie peninsula).

(2) The limits within the Authority shall exercise jurisdiction as harbour authority shall comprise so much of the Rivers Crouch and Roach, the specified waters and the sea (including all islands, rivers, streams, creeks, waters, watercourses and channels therein) as for the time being lies within the landward limits, the seaward limit, the seashore and the banks of the said rivers and waters and is at or below the level of high water.