

# HARBOUR DIRECTIONS

Section 40C of the Harbours Act 1964 provides that:

- (1) The master of a ship must ensure that Harbour Directions are complied with;
- (2) Breach of subsection (1) without reasonable excuse is an offence;
- (3) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## Definitions:

In these Directions the following words and expressions have the following meanings:

- i. **"Collision Regulations"** – means the International Regulations for Preventing Collisions at Sea 1972, as amended from time to time;
- ii. **"Commercial Ship"** – means any Ship which is not a Recreational Craft;
- iii. **"Designated Fuel Quay Agreement"** means a written agreement with the Harbour Authority in relation to the use of a prescribed area in the Harbour for the recharging or emptying of a Ship or Ships with / of fuel which contains terms and conditions relating to the carrying out of such activities and which is valid and has expired at the time the activity is carried out;
- iv. **"Grounded"** – means, in relation to a Ship, having made involuntary contact with the ground, except for touching briefly so that no damage is caused;
- v. **"Harbour"** – The limits of the harbour within which the Harbour Authority has jurisdiction;
- vi. **"Harbour Authority"** – means **Sutton Harbour Company**, in which are invested under an Act of Parliament, or an order or other instrument made under such an Act, powers or duties of improving, maintaining or managing a harbour;
- vii. **"Harbour Master"** – means any person appointed as such by the Harbour Authority, and his/her deputies and assistants, and any other person or employee of the Harbour for the time being authorised to act, either generally or for a specific purpose, in the capacity of Harbour Master;
- viii. **"Lock"** - includes all parts of the lock situated at the entrance to Sutton Pool

- ix. **"MARPOL"** – means the International Convention for the Prevention of Pollution from Ships;
- x. **"Master"** – when used in connection with a Ship means any individual having command or charge of the Ship;
- xi. **"Mean High Water Mark"** – means the level of mean high water spring tides;
- xii. **"Mooring"** – includes any quay, buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience provided by the Harbour Authority for the mooring of Ships;
- xiii. **"Powerboat"** – means a Recreational Craft which is powered by an engine with a rated power output of in excess of 15kW;
- xiv. **"Recreational Craft"** – means a Ship of less than 24m in length which, regardless of its means of propulsion, is intended for sports or leisure purposes;
- xv. **"Ship"** – includes every description of vessel used in navigation, seaplanes on the surface of the water and hovercraft within the meaning of the Hovercraft Act 1968.
- xvi. **"SOLAS"** – means the International Convention for the Safety of Life at Sea;
- xvii. **"Sutton Pool"** means that part of the Harbour comprising of water at mean High Water.
- xviii. **"Underway"** – when used in relation to a Ship means not at anchor, moored, or made fast to the shore, or aground.

## Harbour Directions

### **1. Collision Regulations**

The Collision Regulations must be complied with at all times by any Ship within the Harbour or approaching or leaving the Lock.

### **2. Speed Limit**

a) Subject to (b) immediately below and the Collision Regulations, every Ship navigating within the Harbour or approaching or leaving the Lock must, unless otherwise authorised by the Harbour Master in writing, be navigated at a speed not exceeding 4 knots through the water.

b) A Ship must be navigated at all times with due care and attention and in such a manner so as not to endanger the safety of, or cause nuisance to, any other vessel, person or property.

c) A Ship must not be navigated or manoeuvred in any part of the Harbour or the approaches to the Lock in a manner or at a speed so as to cause wash to be generated that may endanger the safety of, or cause damage to, or a nuisance to, any other vessel, person or property.

### **3. Navigating under influence of alcohol or drugs**

A person must not navigate or attempt to navigate a Ship while their ability to do so is impaired because of drink or drugs.

### **4. Reporting Collisions and Sunk or Grounded Ships**

a) The Master of any Ship involved in any collision must as soon as possible and in any event within 24 hours report the collision to the Harbour Master.

b) The Master of a Ship which has sunk or grounded in the Harbour or the approaches to the Lock must immediately advise the Harbour Master of its position and any other particulars that may be required for the safety of navigation. If a Ship under tow has sunk or grounded the Master of the towing Ship is subject to the same duty to advise the Harbour Master.

### **5. Unseaworthy Ship**

A person must not navigate a Ship in an unsafe or unseaworthy condition within the Harbour except as necessary for that Ship's safety and that of its crew. If a Ship has a defect that threatens the safety of its crew or other Harbour users or inhibits its ability to navigate safely the Master must notify the Harbour Master immediately.

### **6. Manning by competent persons**

a) Any Ship underway in the Harbour or approaching the Lock must be under the control or direct supervision of a competent person.

b) In any event when reasonably required by the Harbour Master, a Ship must have at least one competent person on board at all times whilst the Ship is anchored or moored in the Harbour.

c) A person under the age of 16 years must not be the Master of a Powerboat within the Harbour or approaching the Lock unless they hold an appropriate RYA qualification (or equivalent) or have permission from the Harbour Master.

### **7. Lights impeding safe navigation**

Except in the interests of safe and proper navigation, lights, including lasers or other beams, must not be used on a Ship in a manner which causes nuisance to other vessels or impedes safe navigation.

### **8. Mooring and anchoring**

a) A Ship must not use any Mooring in the Harbour without permission from the Harbour Master. The use of any such Mooring must be in compliance with the conditions attached to the permission issued by the Harbour Master or displayed in the Harbour Master's office.

b) Unless otherwise authorised by the Harbour Master a Ship alongside any Quay in the harbour or rafted out from a Ship alongside any Quay must have shorelines secured fore and aft and

must be properly and effectively moored, so that it is not only secure but also not liable to cause any damage to any other vessel or property.

c) Any Ship (excluding one referred to in (b) immediately above) moored or anchored within the Harbour must be properly and effectively moored or anchored, so that it is not only secure but also not liable to cause any damage to any other vessel or property.

d) Except in the case of an emergency, a Ship must not anchor in the Harbour without permission from the Harbour Master.

### **9. Obstruction of Aids to Navigation**

A Ship must not obstruct, be made fast to or otherwise interfere with any aid to navigation, including a light, beacon, sea mark, navigation buoy or mark, racing buoy or tide pole within the Harbour.

### **10. Obstruction of public landings**

A person must not use a Ship or its equipment or permit a Ship or its equipment to be used in a manner that obstructs any public landing place, hard, pier, jetty or slipway within the Harbour.

### **11. Fishing within harbour areas**

A Ship must not be used to drift, trawl, pot or undertake any other fishing activity in any part of the Harbour without the permission of the Harbour Master.

### **12. Open fires on board a Ship**

A person must not light an open fire on any Ship within the Harbour, except for cookers or barbecues designed for use on board a Ship. Such cookers or barbecues must only be used on board the Ship and must not be transferred to a pontoon or quay.

### **13. Discharge of Oil, Sewage and Waste**

a) In addition to any of the requirements under MARPOL a person on any Ship must not use the Ship's equipment or cause or permit the Ship's equipment to be used to discharge into the Harbour any:

i) oil or oily residues; or

ii) sewage; or

iii) commercial or domestic waste, plastics, or foodstuffs; other than with the approval of the Harbour Master and into a facility designated for that purpose.

b) The Master of a Ship must immediately report to the Harbour Master any discharge of oil or oily residues from the Ship, however caused. In such circumstances, the Master must comply with any directions issued to the Master by the Harbour Master.

#### **14. Refuelling in the Harbour**

a) During the recharging or emptying of a Ship with / of fuel within the Harbour, the Ship must be under the control or direct supervision of a competent person who has either obtained the prior approval of the Harbour Master for the recharging or emptying of the Ship with / of fuel,

or is carrying out the activity at a fuel quay, which the Ship is authorised to use under a valid Designated Fuel Quay Agreement.

b) During the recharging or emptying of a Ship with / of fuel the competent person in control of or directly supervising the Ship must ensure that the recharging or emptying of a Ship with / of fuel is carried out in accordance with the requirements of the Harbour Master.

c) No person shall permit or cause any spillage of fuel during the recharging or emptying of a Ship's equipment with / of fuel.

d) The Master of a Ship must immediately report to the Harbour Master any spillage of fuel during the recharging or emptying (in whole or part) of a Ship with / of fuel, however caused.

In such circumstances, the Master must comply with any directions issued to the Master by the Harbour Master.

#### **15. Notification of Arrival and Departure**

Before any Ship:

- i) approaches the Lock; or
- ii) enters the Harbour; or
- iii) gets Underway within the Harbour; or
- iv) leaves the Harbour,

it must be carrying a VHF radio (or other means of communication approved by the Harbour Master) which is switched on and tuned in to the assigned lock control channel.

#### **16. Automatic and Back-up Steering Gear**

a) Except with the prior permission and in accordance with the requirements of the Harbour Master, an automatic steering device on a Commercial Ship or a Recreational Craft must not be used in the Harbour or the approaches to the Lock.

b) Any duplicate, secondary or backup steering gear and associated power systems fitted to a Commercial Ship must be fully operational and ready for immediate use while that Commercial Ship is navigating within the Harbour or the approaches to the Lock.

**SUTTON HARBOUR COMPANY HARBOUR DIRECTIONS 2018.**