

ENVIRONMENT AGENCY
WATER RESOURCES ACT 1991
RIVER WYE NAVIGATION BYELAWS 2003

The Environment Agency in exercise of its powers under section 210(1) of, and paragraph 2 of Schedule 25 to, the Water Resources Act 1991 and all other powers enabling it in that behalf hereby makes the following Byelaws:—

BYELAW 1 – TITLE AND COMMENCEMENT

These Byelaws may be cited as the Environment Agency (River Wye Navigation) Byelaws 2003 and shall come into force on 7 July 2003.

BYELAW 2 – INTERPRETATION

In these Byelaws—

- “the Agency” means the Environment Agency;
- “emergency service” means the police, fire or ambulance service;
- “master” when used in relation to a vessel, means any person (whether the owner, master, or other person) lawfully or otherwise having or taking command, charge, management or conduct of the vessel for the time being;
- “officer of the Agency” means any person employed by the Agency and authorised in writing by the Agency to carry out the provisions of these Byelaws;
- “power-driven vessel” means any vessel wholly propelled by its own machinery;
- “the river” means the river Wye; and
- “vessel” means a ship, boat, raft or water craft of any description however propelled or navigated and (without prejudice to the generality of the foregoing description) includes any non-displacement craft, seaplane, hovercraft or other amphibious vehicle or craft, and any other thing constructed or adapted for floating on or being immersed (whether permanently or temporarily) in water.

BYELAW 3 – APPLICATION

These Byelaws shall apply to so much of the river as is situate between Hay Town Bridge in the Counties of Powys and Herefordshire at Ordnance Survey National Grid Map Reference SO228426, and Bigsweir Bridge in the Counties of Gloucestershire and Monmouthshire at Ordnance Survey National Grid Map Reference SO538051.

BYELAW 4 – SPEED AND GENERAL CONDUCT

(1) The master of a power-driven vessel shall not navigate that vessel at a speed over the bed of the river of greater than 10 kilometres per hour in an upstream direction and 13 kilometres per hour in a downstream direction unless, in either case, the flow of the river, any dangers to navigation or of collision, or any other special circumstances are such that in the reasonable opinion of the master it is necessary to exceed that speed in order to avoid damage to persons or property.

(2) Paragraph (1) of this Byelaw shall not apply to:—

- (a) any vessel directly engaged in safety duty, training, coaching or umpiring of vessels powered by paddle, oar or by sail where the vessel so engaged has been approved by the Agency and is displaying a pennant or mark of a type issued by the Agency, the approval being subject to such conditions as the Agency may from time to time prescribe;
- (b) any vessel in use by the Agency, or an emergency service; and

(c) any area of the river or vessel specifically designated or authorised by the Agency.

BYELAW 5 – MASTER TO BE ON BOARD

The owner of a vessel shall ensure that there is a competent master on board his vessel at all times when it is being navigated on the river.

BYELAW 6 – VESSELS MEETING

If the river 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 navigating the river upstream against the flow shall cause his vessel to give way to the other vessel.

BYELAW 7 – STEERING

The master of a vessel navigating in the river shall ensure that it is steered at all times by a person competent to do so and shall not permit it to be steered by any device or equipment designed to function in place of the steersman.

BYELAW 8 – CROSSING THE RIVER

(1) The master of a vessel crossing from one side of the river to the other side shall do so at a proper time having regard to vessels navigating up and down the river and in doing so shall give way to such vessels.

(2) Paragraph (1) of this Byelaw shall not apply to any area of the river or vessel specifically designated or authorised by the Agency.

BYELAW 9 – VESSELS ETC. CAUSING OBSTRUCTION

The master of a vessel:—

(a) which through accident or other cause is or may be adrift, missing from her moorings, in danger of sinking, grounding or stranding, or has sunk or become grounded or stranded; or

(b) which is towing or manoeuvring another vessel which sinks; or

(c) which in any manner gives rise to an obstruction,

shall notify the Agency as soon as practicable of the fact and if so requested provide the Agency with full written details and any further information which the Agency may reasonably require.

BYELAW 10 – OFFENCES AND ANCILLARY PROVISIONS

(1) Nothing in these Byelaws shall exonerate the master or owner of a vessel from the consequences of any neglect to comply with these Byelaws or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(2) Any person who contravenes or otherwise fails to comply with these Byelaws shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) 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 the offence by virtue of this Byelaw whether or not proceedings for the offence are taken against any other person.

(4) In any proceedings for an offence under these Byelaws, it shall be a defence for the person to prove:—

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; and

(b) that he had a reasonable excuse for his act or failure to act.

(5) If in any case a defence provided by paragraph (4)(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.

THE COMMON SEAL of the NATIONAL RIVERS)
AUTHORITY was hereunto affixed on the)
26th day of September 1994)
in the presence of:-) Christopher Martin
AN AUTHORISED SIGNATORY

The Secretary of State for Environment, Food and Rural Affairs hereby confirms the foregoing byelaws in relation to England subject to the modifications shown.

J E Roberts

A Senior Civil Servant in the Department for Environment, Food and Rural Affairs

Signed by authority of the Secretary of State

23 April 2003

The National Assembly for Wales hereby confirms the foregoing byelaws in relation to Wales subject to the modifications shown.

R D Macey

A Senior Civil Servant in the National Assembly for Wales

Signed by authority of the National Assembly for Wales

15 April 2003

DATED 26th September 1994

ENVIRONMENT AGENCY

Water Resources Act 1991

River Wye Navigation Byelaws 2003

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