

KENT RIVER AUTHORITY

UPPER MEDWAY CONSERVANCY

BYELAWS

UNDER THE

UPPER MEDWAY NAVIGATION

AND

CONSERVANCY ACT 1911

CLERK OF THE AUTHORITY

RIVERS HOUSE LONDON ROAD

MAIDSTONE

KENT RIVERS CATCHMENT BOARD

UPPER MEDWAY CONSERVANCY

UPPER MEDWAY NAVIGATION AND CONSERVANCY ACT 1911

BYELAWS

For the regulation of the River Medway and the Navigation thereof and for other purposes within the limits over which the Board has jurisdiction

BY AN ARRANGEMENT made with the approval of the Minister of Agriculture and Fisheries and the Minister of Transport, under Section 40 of the Land Drainage Act 1930 and bearing date the 28th day of March 1934, the whole of the properties, lands, rights, powers, duties, liabilities and obligations belonging to, vested in, or to be exercised or discharged by the Upper Medway Navigation and Conservancy Board, or to which such Board was subject or entitled and together with the benefit of all byelaws, rules, orders and regulations duly made by such Board for the better regulating of the Upper Medway and for other matters consequential thereon and relative thereto, were transferred to and became exercisable by the River Medway Catchment Board.

The before-mentioned ARRANGEMENT was confirmed by the Minister of Agriculture and Fisheries on the 29th day of March 1934 and by the Minister of Transport on the 10th day of April 1934

BY VIRTUE of the Kent Rivers Catchment Area Order 1936, (S.R. & O. 1937, No. 82) confirmed by the Minister of Agriculture and Fisheries on the 25th day of January 1937, under the Land Drainage Act 1930, the River Medway Catchment Board were dissolved and their rights, powers, duties, obligations, liabilities and properties were transferred to and became vested in the Kent Rivers Catchment Board as from the first day of April 1937.

UPPER MEDWAY CONSERVANCY

BYELAWS

For the regulation of the River Medway and the Navigation thereof and for other purposes within the limits over which the Board has jurisdiction

The Upper Medway Navigation and Conservancy Board in exercise of the powers and authorities vested in them by the Upper Medway Navigation and Conservancy Act, 1911, and the Acts for making the Upper Medway navigable of 1664, 1739 and 1892 and all other powers and authorities vested in them in that behalf do make the following Byelaws, that is to say :-

- | | |
|------------------------|---|
| Short Title. | 1. These Byelaws shall be cited as the Upper Medway Conservancy Byelaws 1924 |
| Application of Byelaws | 2. These Byelaws shall be applicable to the River Medway as defined by the Upper Medway Navigation and Conservancy Act 1911 and all other Acts incorporated therein and to all places over which the Conservators have jurisdiction to make Byelaws under the said Acts. |
| Interpretation Clause | 3. In these Byelaws the words and expressions hereinafter mentioned shall have the meanings hereinafter assigned to them respectively unless there be something in the subject or context repugnant to such construction, viz :-

The term "Board" means the Upper Medway Navigation and Conservancy Board.

The term "River" shall mean the Upper Medway as defined by the Upper Medway Navigation and Conservancy Act, 1911 and all other Act incorporated therein.

The term "Navigation" means and includes all the navigable portions of the River.

The term "Wharf" means any quay or landing place siding or other place upon the Navigation at which goods are landed, loaded or unloaded and also any place on the River used for the landing or taking on board of passengers.

The term "Horse" includes all draught animals. |

The term "Vessel" includes any ship, tug, lighter, keel, barge, launch, house boat, pleasure or other board, randan, wherry, skiff, dinghy, shallop, punt, canoe or yacht, raft, float, float or timber or craft whatsoever, whether navigated by steam, motor, electrical or other mechanical power or otherwise, or any description of vessel used in navigation.

The term "Lighter" means any dumb-barge or other like craft for carrying goods or any sailing barge with the mast or gear lowered to the deck and not propelled by mechanical power.

The term "Master" includes every person having command or charge of any vessel.

The term "Steam Vessel" includes any vessel propelled by steam, motor, electrical or other mechanical power of any kind or description.

NAVIGATION OF RIVER

Vessel to be
Marked with
Name and
Address of
Owner

4. The owner of every vessel upon the navigation not being a pleasure boat, house boat, fishing boat or ferry boat shall cause to be painted and keep painted on some conspicuous part thereof in white capital letters of at least three inches in height and of proportionate breadth on a black ground the name and number of such vessel and the name and address of the Owner.

Vessel not to
Be left without
A Person in
Charge

5. The Master of any vessel, other than a pleasure boat or fishing boat shall not leave such vessel without having some person on board for the purpose of preventing any accident or injury which might otherwise happen by drawing off the water in the Navigation, or inland water time or from any other cause whatever.

Name and
To be given

6. The Master of any vessel on the Navigation shall give his true name and address, or the name and address of the owner of his vessel, to any officers or servants or the Board when required by them to do so.

Obstruction of
Navigation

7. If any vessel or vessels are in such position as to obstruct the course of navigation and it appears to any officer of the Board that such obstruction may be prevented by any such vessel

Officer may Remove vessels	<p>or vessels giving way and allowing the other or others of them to have precedence such officer shall determine which of such vessels shall give way and also the order and manner of their removal or precedence, and shall direct them to take up such positions by advancing, receding or otherwise as he thinks fit. Any Master of a vessel who refuses or neglects to comply with any such direction shall be deemed to have committed a breach of these Byelaws and the officer at the expense of the Master may employ men, horses and other necessary assistance to remove the vessel of any Master so refusing or neglecting and may also (in order to facilitate such removal) take out of the vessel all or any part of her cargo and land the same in such place or places as he thinks fit without any liability to either re-load or re-ship the same or to any damages. If the Master does Not demand pay all the expenses occasioned by such refusal or neglect such officer may detain the vessel until payment of such expenses may be recovered by the same manner as the penalties Imposed by these Byelaws.</p>
Vessel to be detained if Expenses not Paid	
Recovery of Expenses	
Vessels to be Lightened	<p>8. When, in the opinion of any officer of the Board, there is not sufficient depth of water ahead of any vessel to float it, such Officer may detain such vessel until it has been lightened to such an extent as he may consider necessary or until, in his opinion, there is sufficient depth of water to allow it to proceed.</p>
Vessels not to Be moored to or Placed in front Of towing paths	<p>9. Except when engaged in loading or unloading, for which purpose a period of forty-eight hours shall be allowed, no vessel shall be moored to or placed in front of the towing path unless by permission of any officer of the Board, and no mooring ropes or chains shall lie across the towing path unless by such permission.</p>
Passage of vessels Through locks or on Navigation	<p>10. The passage of vessels through the locks and upon the the Navigation shall at all times be regulated by the officers of the Board, subject to the priority given by Clause 19 hereof.</p>
Vessels to be made Fast in locks	<p>11. When any vessel (except a rowing boat) enters a lock a substantial rope shall be immediately put out from such vessel and made fast on shore in order to prevent the vessel from running foul of the gates or works of the lock or other vessels in the lock.</p>
Vessell not to Strike works	<p>12. The Master of a vessel shall not on entering or going out of any lock or passing through or near any other work suffer such vessel to strike against the gates or any other portion of such lock or other work, or permit any person employed in, about or upon the vessel to wind or coil any</p>

rope, chain or other fastening round, or fix or fasten the same to any lock gate, post or other work except the dolly heads, irons or chains placed for the purpose of bringing up and stopping vessels.

Vessels in tow to be
Accompanied by two
Persons

13. No person shall navigate upon the Navigation any vessel hauled by a horse unless there be at least one competent man constantly in charge of the vessel and another competent person on the towing path in charge of the towing horse. The Master of the vessel shall be liable for any infringement of this regulation

Vessels to be
Navigated with
Care and caution

14. No person shall navigate, or attempt to navigate any vessel unfit for navigation or in danger of sinking

No person shall navigate any vessel except in accordance with the following conditions, viz :-

- (a) The person in charge of a vessel shall navigate the same with care and caution at such speed and in such manner as not to involve risk of accident to life, or damage to property, or to endanger the safety of, injure or cause damage to any other vessel or any person therein, or any moorings, or to cause damage to the banks of the river.
- (b) The person in charge of a vessel shall use special care and caution in navigating the river when meeting, overtaking or passing any vessel of any kind.

Lighters to have
Substantial stop
ropes on board

15. No lighter shall be navigated upon the river without having on board a good substantial stop-rope, not less than thirty feet in length

As to mooring
Of Vessels

16. Any vessel moored at any wharf or elsewhere in the river shall be securely moored head and stern, and shall be laid as close to and along the front or side of such wharf or other mooring place as conveniently may be, and shall be so moored as not to cause an obstruction to the navigation of other vessels.

As to horses
Going out of towing
Paths and injury to
Works

17. No horse towing any vessel upon the Navigation shall be permitted or suffered to go out of the towing path or to trespass, graze or trample on lands adjoining.

The person in charge of any towing horse shall not leave any gate on the towing path open or suffer the towing line to tear away or damage any rail gates, posts, bridges, trees or works. the Master of the vessel in tow shall be liable for any breach of this Byelaw.

Towing of Vessels	18. Vessels towed upon the Navigation shall not be towed otherwise than in a single line one behind the other.
Order of vessels Coming within the Lock distance posts	19. The vessel or train of vessels first coming within the 200 yards distance post above or below the lock shall be entitled to pass through the lock before any other vessel or train of vessels passing in the same or contrary direction (except that any vessels passing in the contrary direction shall have the alternate use of the lock) and subject to such priority, all persons in charge of vessels shall obey the directions of the lock-keeper, who shall be at liberty to fix the order and precedence in which they pass.
Overtaking of Vessels	20. In the event of any vessel overtaking any other vessel or vessels, the overtaking vessel shall keep clear of the vessels being overtaken.
Penalty for unmooring	21. No person shall wilfully unmoor any vessel, boat, barge or other vessel, or any raft or float of timber and leave the same adrift upon the Navigation.
Anchors, Leeboards and dinghies to be stowed	22. The Master of every vessel upon the Navigation shall cause its anchor or anchors and lee-boards, dinghy or dinghies and boats or boat to be properly stowed within the vessel.
Obstruction of Navigation	23. Any boat moored in the river at such a spot as is likely to cause an obstruction to the Navigation of the river shall be removed by the Owner or Master if requested by any officer of the Board
Cargo etc not to Project beyond side Of vessel	24. No master of any vessel shall place, or permit to be placed any part of the lading cargo or gear of any vessel to project from or beyond the sides of such vessel so as to interfere with or obstruct the traffic or injure the Navigation.
Vessels adrift or Improperly moored	25. Any officer of the Board may take in charge at Owner's risk any vessels found adrift or improperly moored in the Navigation and may detain the same until all expenses of removal, detention and care have been paid to the Board by the Owner of the vessel.
Vessel running Aground or sinking	26. In case of any vessel or thing sinking or getting aground the Master of such vessel shall forthwith inform the nearest officer of the Board thereof and shall use every possible means to lighten and raise such vessel or thing. The position of any sunk or stranded vessel or thing shall be adequately marked by the Master so as to prevent any injury or danger to traffic.

- Navigation and towing Path not to be obstructed 27. Persons engaged in loading or unloading material shall not in any way obstruct the Navigation of the river or the proper use of the towing path.
- No useless vessel to Be placed on the Navigation 28. No person shall place, or allow to be placed or remain upon any part of the river, any useless or old vessel without the previous written consent of the Board and shall immediately remove the same on being requested so to do.
- Derelicts 29. The Board may seize and take charge of any derelict vessel upon the Navigation and at any time after notice of the Board's intention so to do has for seven days been fixed thereto, and in default of any claim being made thereto and of payment to the Board of all expenses incurred by them in respect of such derelict vessel, the Board may break up, sell or otherwise dispose of such derelict vessel, after having given not less than seven days' notice to the owner, if known, of such intention to break up, sell or otherwise dispose thereof.
- Use of Towing Path 30. No person shall drive any carts, drays, vans or other vehicles, or ride or drive any bicycle or tricycle along the towpath belonging to the Board, nor shall any person take any horse over the towpath of the Board except for the express purpose of towing. persons using horses for towing shall use them in a proper manner and not canter, gallop or trot the same on the Board's towpath.
- Lights and Signals 31. When a steam vessel is approaching a bend in the river that obscures a good view ahead speed must be reduced and one long blast of the whistle or horn sounded. In foggy or misty weather, when the view is obscured, the whistle or horn shall be sounded at short intervals. Steam vessels and craft in tow of steam vessels must always give place to sailing boats and speed must be reduced on approaching them and every precaution taken to avoid risk of collision or swamping. Speed must always be reduced and one long blast sounded on the whistle or horn when approaching all locks and the navigation and speed of steam vessels and the craft when entering, passing through or out of the locks must be such that there is no risk of any damage being done. When towing, speed must be reduced when approaching all bridges that have piers or buttresses in or near the water and must be kept reduced until the last barge has passed through. In the event of any conflict between this Byelaw and Byelaw No. 35, the latter Byelaw is to prevail.
32. Stream vessels under way between sunset and sunrise shall carry the ordinary side lights and, in addition, a bright white light

fixed at some convenient height above the stem. When towing, such vessels shall, in addition to the above mentioned side lights, carry two bright white lights fixed in a vertical line, one over the other, not less than two feet apart

33. A vessel lying at anchor in the river between sunset and sunrise shall carry a riding light placed where it can best be seen

34. Steam vessels shall be provided with an efficient whistle or some other sound-producing instrument or appliance

35. Vessels proceeding up or against the stream shall always give way on approaching or passing any vessels proceeding down or with the stream.

36. A steam vessel shall give one short blast of the whistle to indicate "I am directing my course to starboard," two short blasts of the whistle to indicate "I am directing my course to port," and three short blasts of the whistle to indicate "I am going astern with my engines." When a steam vessel is turning round or for any reason is not under command and cannot get out of the way of an approaching vessel, it shall signify the same by four blasts in quick succession.

Drawing Sluices
And Gates of
Tumbling Bays

37. Unless under the direction of any officer of the Board no person shall work any of the lock gates or shut down or draw up any of the sluices or slackers of any lock or the gates of any tumbling bay, or put in reserve or otherwise meddle with any flash board belonging to any weir, tumbling bay, over-fall sluice gate or other work of the Board, or put any stones or other hindrances in the latches, fastenings or hinges of the gates, bars or stiles upon the towing paths.

Timber Rafts
Or Floats

38. No rafts or floats or timber shall be towed or moored in the river except by permission of the Board.

Cattle
Trespassing on
Towpath

39. No person shall wilfully allow any horse or cattle to stray or trespass upon the towing paths of the Navigation.

Loitering on
The Board's
Premises

40. No person shall loiter or remain on or about any of the locks or any of the towing paths, roads, ways or premises of the Board without some reasonable or good and sufficient cause after notice from any officer of the Board not to do so.

Loading and
Unloading

41. Before any vessel is loaded or unloaded at any wharf, or across any of the towing paths or banks of the river, or any cargo

Vessels at wharf	is transhipped from one vessel to another, the Master of the vessel so loaded or unloaded, or from which any cargo is transhipped, shall, if so required by an Officer of the Board, take every precaution by properly placing a staging, tarpaulin sheet or portsail in good condition, and of sufficient size, to prevent anything whatsoever from falling into the water and manure and such other classes of goods as the Board shall specify shall, when landed on any bank or wharf, be placed at such a distance from the water's edge as shall preclude the possibility of pollution of the river therefrom.
Landing Cargo On wharf when Tonnage Paid	42. Subject to the Regulations and Byelaws of the Board for the time being and the due control of their officers, all cargo paying tonnage may, upon permission from an Officer of the Board, be landed or loaded without charge across any public wharf, bank or towing path belonging to the Board where such Officer considers that no danger or obstruction will be caused thereby.
Deposit of Cargo on Landing Places Etc	43. No person shall deposit any cargo on any landing place or towing path belonging to the Board contrary to the directions of any Officer of the Board, nor shall any person remove such cargo or any part thereof without having previously paid the charges due thereon
No Vessel to be Moored Without Permission to Property of the Board other than Towing Path	44. No vessel shall be moored to or remain at any property belonging to the Board, other than the towing path, without the permission of the Officer in charge thereof being first obtained and every such vessel shall move away when ordered by such Officer so to do.
Manure etc To be covered	45. The Owner or Master of every vessel upon the Navigation carrying any manure, gas lime, street sweepings, rubbish or refuse of any description shall cause the same to be properly covered.
Petroleum and Inflammable Oils	46. Petroleum, rock oil, Rangoon oil, Burmah oil and oil made from petroleum and other products which give off inflammable vapour at a temperature of less than 73 degrees Fahrenheit shall not be conveyed in any vessel upon any part of the Navigation or landed or shipped at any wharf or landing place, or across any towing path or bank whatsoever, except there be upon such vessel an extra man in continuous charge of the cargo and a red flag be carried at the stern of such vessel, and such vessel go straight to her destination without waiting at any wharf or landing place longer than is absolutely necessary for the shipping or landing of such cargo. In case of any infringement of this Byelaw, the Master

of the vessel in which any such cargo is conveyed or from which any such cargo is landed or shipped, unless he can prove that he was ignorant of the nature of such cargo, and in such case, the Owner of such vessel shall be deemed to have committed a breach of these Byelaws.

47. Petroleum or other inflammable oil shall not be discharged from or loaded or taken on board of any vessel after sunset or before sunrise.

48. No petroleum or other inflammable oil shall be discharged or allowed to escape into the river.

49. The Owner shall take all due precautions for the prevention of accident by fire in connection with the conveyance of or discharge of petroleum or other inflammable oil.

The word "Owner" in this Byelaw shall mean master, owner, consignee, consignor, broker and agent.

Bathing

50. No person shall bathe in the river without wearing a bathing costume or bathe therein at any place where or between any hours when bathing is prohibited by the Board.

Dead Animals

51. No person shall throw into the river any dead animal, filth or other noisome thing, or wash or cleanse therein any animal, cloth, wool or leather, or skin whatsoever, or attempt to drown any animal therein.

Penalties for
Intoxication
And use of
Indecent or
Abusive
Language

52. Any person upon or about the Navigation, or any wharf belonging to the Board or not, who shall be intoxicated or make use of obscene, scandalous, abusive, indecent or improper language or behaviour, or commit any nuisance to the annoyance of any persons, in, upon or about the Navigation, or the banks or towing paths thereof, or any land of the Board, or who shall obstruct any Officer of the Board in the execution of his duty shall be liable to the penalty hereinafter mentioned.

Discharge of
Firearms

53. No person or persons shall discharge any gun, rifle, pistol or other firearms on the Navigation or the towing paths, or the banks thereof.

Swinging on
Towpath Gates

54. No person shall swing on the towpath gates or fences.

Posters

55. No person shall place any posters or other papers on the property of the Board unless with the written consent of the Board

Penalty to be
In addition to
Other Remedy

56. The liability or payment for any offence against these Byelaws shall be in addition and without prejudice to any liability of the offender for damages occasioned by the offence and also to any right of the Board to recover from the Owner of the vessel or other person damages for any loss, injury or inconvenience sustained by then un consequence of such offence.

Penalty for
Breach of
Byelaws

57. Any person committing any breach of or in any way infringing any of these Byelaws shall be liable to a penalty not exceeding Five Pounds.

58. These Byelaws shall come into operation fourteen days after the approval thereof by the Minister of Transport.

The COMMON SEAL of the UPPER
MEDWAY NAVIGATION AND CONSERVANCY
BOARD was hereunto affixed in the presence of

O. E. d'AVIGDOR-GOLDSMID,

Chairman,

JOHN W. KIRBY,

Secretary

21 October, 1924

The Minister of Transport hereby approves the foregoing Byelaws.

Signed on behalf of the Minister of Transport this 28th
Day of October, 1924

E. W. ROWNTREE,

Assistant Secretary