

LYMINGTON HARBOUR COMMISSIONERS – DRAFT GENERAL DIRECTIONS.

ISSUED 1st MAY 2013 - v 1.4

Subject to Final Approval by LHC and Formal Consultation Process under Proposed HRO

Contents

Section 1 :	Preliminary	1
Section 2 :	Interpretation	2
Section 3 :	Navigation or movement of vessels	4
Section 4 :	Commercial and Leisure Activities	5
Section 5 :	Moorings and Management of Vessels	7
Section 6:	Commissioners' Property	10
SCHEDULE 1	Harbour Limits Diagram	

Section 1. Preliminary

1. 1 Ability to make General Directions:- These General Directions may be cited as the Lymington Harbour General Directions [201X] (and are referred to as “the General Directions”). The General Directions are made pursuant to and may be amended from time to time by the Lymington Harbour Commissioners in the manner set out in The Lymington Harbour Revision Order [201X] (“the HRO”).

1. 2 In force from:- These General Directions come into operation on [insert date].

1. 3 Application:- General Directions are rules issued by the Commissioners and they apply to all Harbour users within Lymington Harbour Commissioners’ jurisdiction and/or on any of the Commissioners’ property.

1.4 Special Direction:- A Special Direction made pursuant to the HRO will normally be an oral instruction to one or more Harbour users requiring immediate action.

1.5 Priority:- In the event of any conflict arising between the provisions of these General Directions, the Byelaws, any mooring licences issued by the Lymington Harbour Commissioners and any Special Directions:

(a) Special Directions shall take precedence over all others;

(b) General Directions shall take precedence over the Byelaws and any Mooring Licence.

1.6. The plan contained in Schedule 1 of these Directions is for identification purposes only. In the event of any conflict between the definition of the Harbour and the plan, the definition shall take precedence.

Section 2. Interpretation

2.1 In these Directions the following words and expressions shall have the following meanings:-

2.2 The term “board sailing” means the navigation or operation of a sailboard propelled by wind and windsurfing and kite surfing have a like meaning.

2.3. The term “the Byelaws” means the Lymington Harbour Byelaws.

2.4.The term “the Commissioners” means the Lymington Harbour Commissioners.

2.5 The word “fairway” means the navigable channel within the harbour which is the regular course or track of vessels and which is marked by navigation marks and buoys as shown on the Admiralty chart.

2.6 The term “fishing vessel” means any vessel fishing with nets, lines, trawls, or other fishing apparatus which restrict manouverability.

2.7 The word “grounded” means an unintentional contact with the seabed, except for touching briefly so that no damage or obstruction to navigation is caused.

2.8 The term “the Harbour” means the part of the Lymington River or creek, within the area defined in Part 1 (article 3) of the Lymington Harbour Revision Order 201X

2.9 The term “the Harbour Master” means any person appointed as such by the Commissioners, and his deputies and assistants, and any other person or employee of the Commissioners for the time being authorised by the Commissioners to act, either generally or for a specific purpose, in the capacity of Harbour Master.

2.10 The term “the harbour premises” means the quays, piers, landing places, and all other works, lands and buildings for the time being vested in, or occupied or administered by, the Commissioners as part of their harbour undertaking.

2.11 The term “the level of high water” means the level of mean high water spring tides.

2.12 The term “the level of low water” means the level of mean low water spring tides.

2.13 The term “the Master” when used in connection with a vessel means any individual, whether the owner or not, having or taking command, charge or management of the vessel for the time being.

2.14 The word “mooring” includes any quay, buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience provided or used for the mooring of vessels and includes any pier, bridge, roadway, slipway, or footway immediately adjacent and affording access thereto;

2.15 The term “mooring licence” means a licence granted by Lymington Harbour Commissioners authorising the right to use a mooring subject to compliance with the terms and conditions of the licence.

2.16 The term “the owner” includes any part-owner, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel.

2.17 The word “parascending” means any activity wherein a person or persons are towed by or carried on a power driven vessel with the intention that the person or persons are towed or carried shall become airborne by virtue of their being harnessed to a kite parachute, balloon glider or similar apparatus.

2.18 The word “person” References to a person shall include, where the context admits, companies or other entities.

2.19 The term “personal water craft” means any watercraft propelled by a water-jet engine or other mechanical means of propulsion and steered:-

- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or
- (b) by the person or persons riding the craft using his or their body weight for the purpose; or
- (c) by a combination of the methods referred to respectively in (a) and (b).

2.20 The term “power driven vessel” means any vessel which is driven wholly or partly by machinery.

2.21 The term “recreational swimming” means any swimming for recreational purposes but excludes swimming solely for the purpose of undertaking maintenance to a moored boat.

2.22 The term “sailing vessel” means any vessel under sail provided that propelling machinery, if fitted is not being used.

2.23 The term “small vessel” means any vessel of less than 20 metres in length.

2.24 The word “underway” when used in relation to a vessel means when it is not at anchor or moored or made fast to the shore or aground, and includes a vessel moving in the Harbour though its anchor is on the ground or seabed.

2.25 The term “underwater diving” means diving with the assistance of underwater breathing equipment including air cylinders and regulators.

2.26 The word “vessel” means a ship, boat, raft or water craft of any description and includes non displacement craft, personal watercraft, seaplanes, hovercraft, amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and used or being capable of being used as a means of recreation and/or transportation or commercial activity on water.

2.27 The word “waterskiing” means any activity wherein a person or persons are towed by a power driven vessel by virtue of them being harnessed to or holding on to a tow line, or being carried on an inflatable device or similar for the purpose of aquaplaning.

Section 3. Navigation or movement of vessels

3.1 Collision Regulations The Master shall at all times comply with the International Regulations for Preventing Collisions at Sea 1972 (as such regulations are amended or replaced from time to time).

3.2 Speed Limit:- Every vessel navigating the Harbour shall unless otherwise authorised by the Harbour Master in writing, subject to the requirements of the Collision Regulations and maintaining adequate steerage way and control, be navigating at a speed not exceeding 6 knots through the water.

3.3 The speed limit set out in Direction 3.2 is the maximum permitted speed allowed. Complying with the maximum permitted speed will not exonerate the owner, Master or crew of any vessel from the responsibility of reducing speed as necessary in the observance of normal practice of safe seamanship. This includes but is not limited to when passing mooring trots, pontoons, vessels alongside quays, jetties or pontoons, and vessels engaged in maritime works. Vessels shall at all times be navigated with care and caution and in such a manner so as not endanger the safety of other persons or cause nuisance to the occupants of any other vessel, person or property.

3.4 Wash A vessel shall not be navigated or manoeuvred in any part of the Harbour in a manner or at a speed so as to cause wash to be generated that may cause damage to or endanger the safety of other persons, vessels or property.

3.5 General Direction 3.2 shall not apply to any vessel on any occasion when it is being used by the Police, Fire Service or RNLI or other recognised rescue or patrol craft in an emergency situation. Further General Direction 3.2 shall not apply to any vessel being used by the Harbour Master in an emergency situation or for the purposes of enforcing these General Directions, any Special Directions or the Byelaws.

3.6 Navigating whilst under influence of Drink or Drugs A person shall not navigate any vessel in the Harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

3.7 No Master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate the vessel in contravention with Direction 3.6.

3.8 Departing Marina, Berths or Moorings The Master of a vessel preparing to leave a berth or mooring within the Harbour shall give way to vessels underway.

3.9 Small vessels not to obstruct fairway The Master of a small vessel which is not constrained by its draft to navigate only in the fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

3.10 Reporting Incident or Collision The Master of any vessel shall forthwith, and certainly within 24 hours, report to the Harbour Master any collision in the harbour in which the vessel is involved, and complete an incident report form as required by the Harbour Master, save that this Direction shall not apply to any collision between sailing dinghies if no significant damage, or personal injury requiring the attendance of emergency services is incurred. If a vessel under tow has been involved in any collision within the Harbour, the Master of the towing vessel shall also have responsibility to advise the Harbour Master as aforesaid.

3.11 The Master of a vessel which has sunk or grounded in the Harbour shall immediately advise the Harbour Master of its position and any other particulars he may require for the safety of navigation. If a vessel under tow has sunk or grounded the Master of the towing vessel shall also have responsibility to advise the Harbour Master as aforesaid.

3.12 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 (to include date, time and circumstances) as soon as practicable after the master becomes aware of the event.

3.13 The Master of any vessel colliding with or cutting adrift a navigation mark or mooring buoy, or running into, fouling or damaging any such mark buoy, mooring buoy or other seamark shall immediately report the incident to the Harbour Master.

3.14 Unseaworthy vessel No person shall cause a vessel in an unsafe or unseaworthy condition to navigate the Harbour except as necessary for that vessel's safety and that of her crew, and she shall then proceed to such place as may be indicated by the Harbour Master.

3.15 Due Care for Vessels Engaged in Work The Master of a vessel shall navigate his vessel with due care and caution and at a speed and in such manner as not to cause injury to or endanger the lives of persons engaged in the laying or retrieving of moorings, navigational works, dredging works, salvage or construction works or underwater work.

3.16 Lights, impeding safe navigation Except in the interests of safe and proper navigation no lights, including lasers or other bright lights shall be used in a manner which causes nuisance to or affects safe navigation.

3.17 Pyrotechnics Except in instances of distress or safety of proper navigation, pyrotechnics shall not be used within the Harbour without the written consent of the Harbour Master, for which application must be made in writing not less than fourteen days before the intended occasion.

Section 4. Commercial and Leisure Activities

4.1 Fishing No person shall cast or drift, trawl or other net in any part of the Harbour so as to be or likely to become an obstruction or danger to the navigation of the harbour or an obstruction to property, vessels or moorings. Nets or lines are not to be left unattended.

4.2 Except for immediate recovery of small personal items lost overboard, no person shall drag or grapple for any materials or article, nor remove the same from the bed of any water area of the Harbour, without the written consent of the Harbour Master and then only in compliance with any reasonable instructions or conditions stipulated.

4.3 No person shall intentionally or recklessly set fire to, detonate, destroy, break up or remove any vessel, wreck or structure within the Harbour without the prior written consent of the Commissioners and then only in compliance with any reasonable instructions or conditions stipulated by them.

4.4 Regattas All races and similar events shall when within the Harbour be conducted in accordance with conditions previously approved by the Commissioners.

4.5 Personal Water Craft No person shall engage or take part in any activity involving personal water craft within the Harbour except with the written permission of the Commissioners, given either specifically or generally, and only in such areas as may be designated and in compliance with such reasonable conditions as may be imposed.

4.6 Water Skiing/Parascending No person being the Master of any vessel shall permit such vessel to be used for the purpose of water skiing or parascending within the Harbour and no persons shall engage or take part in water skiing or parascending within the Harbour except with the written permission of the Commissioners, given either specifically or generally, and only in such areas as may be designated and in compliance with such reasonable conditions as may be imposed.

4.7 Board Sailing/Kite Surfing No person, unless authorised by the Commissioners in writing shall engage or take part in board sailing or kite surfing within the Harbour except with the written permission of the Commissioners, given either specifically or generally, and only in such areas as may be designated and in compliance with such reasonable conditions as may be imposed.

4.8 Hovercraft No person shall engage or take part in any activity involving hovercraft within the Harbour except with the written permission of the Commissioners, given either specifically or generally, and only in such areas as may be designated and in compliance with such reasonable conditions as may be imposed.

4.9 Recreational Swimming No person shall bathe or swim or attempt to bathe or swim anywhere within the main fairway or its approaches and in any areas around or from mooring or berthing facilities.

4.10 Tomb stoning No person shall jump or dive into the water from any structure, pile, pontoon, jetty, pier or buoy within the Harbour.

4.11 Underwater diving No person shall undertake any underwater or diving operations within the Harbour without a written permit to dive from the Harbour Master.

4.12 Wildfowlers' Shooting Boundaries No person shall at any time use, permit or assist another person in using a shotgun or firearm of any description within the Harbour, north of a line indicated by the low leading light in transit with the lookout tower of the Yacht Haven Office.

Section 5. Mooring and Management of Vessels

5.1. Authority to lay moorings No person shall place, lay down, maintain or use any mooring, pontoon, or other structure in the Harbour without a written licence or consent granted by the Commissioners. The placing, laying down, maintenance or use of any agreed mooring by the Commissioners shall be in compliance with the conditions attached to that licence. In the absence of such licence or consent, or if the conditions attached thereto are not complied with, any such mooring shall be forthwith removed by the owner thereof if the Commissioners so require. If it is not thus removed, the Commissioners may do so, having given notice to the owner or possessor accordingly. Any costs reasonably incurred in removing and disposing of the mooring shall be payable by the owner.

5.2. Responsibility to securely moor The Master of a vessel remaining at a mooring within the Harbour shall cause it to be properly and effectively moored and fendered, such that it is not only secure but also is not liable to cause any damage to any other vessel or property (including any pontoon, mooring or quay).

5.3. The Master or owner of any vessel laying alongside or near any quay or other vessel within the Harbour shall, during all the time such vessel shall lay or be moored or be stationed at or near such quay or other vessel, have the anchor or other equipment of the said vessel securely housed, with no projections outside of the rail of the said vessel, such as to cause obstruction to vessels wishing to pass or moor alongside.

5.4. Moor as directed The Master of a vessel shall berth or moor his vessel at such a part of the Harbour and shall from time to time remove it to such location in the Harbour as the Harbour Master may direct and if the Harbour Master thinks that a moored or berthed vessel should be moved for reasons of safety or obstruction, but is unable within an appropriate time to get in touch with the Master, he may cause it to be moved, taking all practicable steps to inform the Master of what has been done.

5.5. Vessels not to make fast to unauthorised objects No person shall make a vessel fast to any any post, quay, ring, fender, aid to navigation or any other thing or place not assigned for that purpose.

5.6 Manning when anchored or moored When conditions require or when required by the Harbour Master, the Master of a vessel shall cause at least one competent person to be on board at all times whilst the vessel is anchored or moored in the Harbour.

5.7 Rafting In areas of the Harbour where the Harbour Master requires vessels to raft together, Master's must follow the Harbour Master's instruction to raft.

5.8 Access across decks The Master of a vessel alongside a quay or alongside any vessel already berthed within the Harbour shall, if required to do so by the Harbour Master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

5.9 Anchoring Except in an emergency a Master shall not anchor his vessel in the fairway, areas prohibited for anchoring, areas designated as small craft mooring areas or be likely to obstruct navigation. Anchored vessels are liable to pay harbour dues.

5.10 Lost Anchor If any vessel lying within the Harbour parts from its anchor, the Master of the vessel shall report the fact, including the position of the lost anchor forthwith to the Harbour Master and if the Harbour Master directs, shall cause it to be recovered as soon as practicable. The Master of a vessel slipping or parting from an anchor shall leave a buoy to mark the position thereof.

5.11 Fouled Anchor If at any time the anchor hooks any mooring in the Harbour, the Master of the vessel shall not proceed to clear the same, but shall as soon as possible advise the Harbour Master in order that the Harbour Master may provide aid in clearing the mooring without the sustaining of any damage to the mooring. Any damage caused by the Master in clearing his anchor from a mooring without, or prior to, notification to the Harbour Master will be the sole responsibility of the Master.

5.12 When a vessel other than a small vessel or a vessel berthed within the marinas currently operated by the Berthon Boat Company and Lymington Yacht Haven is at any time not capable of being safely moved by means of its own propulsive machinery, the Master or owner shall inform the Commissioners as soon as reasonably practicable and shall give them any further information they may reasonably require.

5.13 Use of engines when moored The Master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the the bed or banks of the Harbour or to any other vessel or property.

5.14 Public Landings No Master or person shall use or permit his vessel or equipment or other items to obstruct any public landing place, hard, pier, jetty, slipway or training facility within the Harbour.

5.15 Noise Except in the interests of safe and proper navigation or race control, no musical instrument, radio, television, amplification equipment, computer, alarm, loudspeaker, gong, horn, whistle, bell, engine or generator, shall be used in a manner which causes nuisance to others.

5.16 The Master or owner of any vessel shall ensure that all rigging is so secured as to prevent noise from ropes, wires or lines rattling against the mast.

5.17 Except in the interests of safe and proper navigation or race control, no person shall sound or use or knowingly cause or permit to be sounded or used in the Harbour a siren, steam whistle, foghorn, alarm, distress rocket, or other instrument, appliance or system for producing alarm signals.

5.18 Fire Precautions The owner or Master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

5.19 The owner or Master of a vessel shall not cause or permit it to be fumigated without the prior permission of the Commissioners.

5.20 No person within the Harbour shall without the written permission of the Commissioners heat any pitch, tallow, tar or any other substance or flammable matter, or have or allow any fire, naked light or flame in any place other than for the the immediate ignition of any authorised fire, light or flame.

5.21 No person shall bring on board a vessel or shall use on a vessel any flammable materials, fuel oils or gasses or warning flares or similar safety equipment unless the same are securely contained in a safe and proper manner and are intended to be used on or within the vessel for propulsion, maintenance or for safety purposes, or in connection with domestic cooking, lighting or heating. Such equipment shall be within its 'use by' date. Such permitted fires shall be used onboard the vessel only and not transferred to a pontoon.

5.22 Whilst any naked flames or fire is being used on board any vessel within the Harbour, the owner or Master of that vessel shall not without reasonable excuse fail to provide and keep at least one competent person continually on board the vessel who shall be specifically charged with the care of the naked flame or fire.

5.23 No person shall without lawful authority displace or tamper with any safety or fire equipment within the Harbour except in the event of an emergency.

5.24 No Master or owner of a vessel shall knowingly cause or permit any person to hold or participate in any deck barbeque on their vessel while moored or underway within the Harbour limits except with the prior written consent of the Commissioners.

5.25 Assistance to Emergency Services The Master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

5.26 Fuelling Berths No naked flames of any sort are allowed at the fuelling berths, fuelling facilities, fuelling pontoons, or the fuel tank storage area. Smoking and the use of mobile phones or any other portable electrical or electronic devices are prohibited in these areas.

5.27 Discharge of Oil, Garbage or other Pollutants No person is to cause the discharge into the Harbour of any:-

- a. Oil or oily residue.
- b. Garbage, plastics, or foodstuffs.
- c. Other pollutant materials.

5.28 Water Ballast The Master of any vessel whether at a mooring, at anchor or underway within the Harbour shall not discharge water ballast that was taken onboard outside of the UK without the prior written approval of the Harbour Master.

5.29 Passenger Vessels, Harbour Water Taxi Service No person shall offer for hire or operate any vessel for the purpose of carrying fare paying passengers from or within the Harbour unless:-

(a)

- (i) in respect of a vessel carrying not more than twelve passengers he holds a current licence for that vessel granted by the appropriate local authority or issued by the appropriate national authority.
- (ii) The Master holds the appropriate licence granted by the appropriate local authority or issued by the appropriate national authority.

(b)

(i) in respect of a vessel carrying more than twelve passengers he holds a current licence for that vessel issued by the appropriate national authority.

(ii) The Master holds the necessary licence granted by the appropriate national authority.

The Commissioners reserve the right to inspect any vessel used for the carriage of fare paying passengers to satisfy itself that the vessel is being operated in accordance with the relevant licences.

5.30 The use of high pressure water hoses in the Harbour must be in accordance with the Commissioners published conditions.

5.31 No person shall permit any animal aboard any vessel in the Harbour to behave in such a manner as to cause a nuisance or an annoyance to other harbour users.

5.32 Identification of Vessels The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 to 1995 (as such regulations are amended or replaced from time to time) and marked accordingly, shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Commissioners.

Section 6. Commissioners Property

6.1 Right to Sell No person shall without the prior written consent of the Commissioners sell, attempt to sell or otherwise offer for sale any article or service on Commissioners property. This shall not restrict the owner of a boat from seeking to sell his boat, including the placing of a discreet "For Sale" notice on his boat at its mooring.

6.2 Advertising No person shall place any advertisement or other notice on the Commissioners property except with the Commissioners prior written consent, and then only in the agreed location, form and manner.

6.3 Garbage and Waste Garbage and Waste are to be deposited at recognised waste reception facilities only.

6.4 Abandoned Vessels No person is to abandon an unseaworthy vessel either in the Harbour or on Commissioners property. If such vessel is not removed within seven days on demand of the Harbour Master it may be removed and disposed of by the Harbour Master. Any costs reasonably incurred in removing and disposing of the vessel shall be payable by the owner and may be recouped from the proceeds of the sale by the Harbour Master before passing any balance of funds to the owner.

6.5 Damaging Property No person shall trespass on, damage, or interfere with any light, beacon, sea mark, navigational buoy or mark, racing buoy, tide pole or any advertisement, banner or other form of notice within the Harbour.

6.6 Carriage of Fuel No person shall carry or store or cause to be carried or stored on any vessel within the Harbour any petrol or other inflammable fuel or inflammable gas in any receptacle other than a receptacle specifically constructed for the purpose of carrying or storing the petrol, fuel or gas and originally intended by the manufacturer of the receptacle for the purpose.

6.7 No person shall

- a) Except with the permission of the Commissioners, deposit or place on any part of the harbour premises any goods, material or equipment, or park any vehicle so as to obstruct any road, building, mooring place, quay, slipway, plant, machinery or apparatus, or the access thereto; or
- b) without lawful authority, use, work or move any plant, machinery, equipment or apparatus at the harbour premises.
- c) Except with the permission of the Commissioners leave any material, goods, or equipment on the harbour premises.

6.8 Safe Driving of Vehicles No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

6.9 Supervision of Vehicles A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Commissioners with respect to the loading, discharging, manoeuvring and removal thereof, and shall not, without the permission of the Commissioners:-

- a) leave the vehicle unattended anywhere within the harbour premises/dock estate; or
- b) take it into any shed or working area.

6.10 Vehicle Accidents to be Reported Any person driving or otherwise operating a vehicle involved in an accident on the harbour premises whereby any injury is caused to any person, or any damage is caused to any property, shall stop the vehicle and report the accident to the Commissioners, and give his name, address and details of his motor insurance to the Commissioners.