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should include the heirs and successors  
to the Teesside Development Corporation*

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## RIVER TEES BARRAGE AND UPSTREAM RIVER BYELAWS 1993

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# TEESSIDE DEVELOPMENT CORPORATION

## RIVER TEES BARRAGE AND UPSTREAM RIVER BYELAWS

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## TEESSIDE DEVELOPMENT CORPORATION RIVER TEES BARRAGE & UPSTREAM RIVER BYELAWS 1993

In exercise of the powers conferred upon them by Section 50 of the River Tees Barrage and Crossing Act 1990 the Teesside Development Corporation hereby make the following Byelaws:-

### PART 1 INTRODUCTORY

#### 1 CITATION AND COMMENCEMENT

These Byelaws may be cited as "the River Tees Barrage and Upstream River Byelaws 1993" and shall come into operation on the 1st day of September 1994.

#### 2 APPLICATION

These Byelaws relate to the whole of the river as defined in Byelaw 3 and the banks thereof.

#### 3 INTERPRETATION

**(1) In these Byelaws except where the subject or context otherwise requires:-**

"The Act" means the River Tees Barrage And Crossing Act 1990.

"The Authority" means the Teesside Development Corporation established by the Teesside Development Corporation (Area and Constitution) Order 1987 under the Local Government Planning and Land Act 1980.

"Bank" where used in relation to the bank of the upstream river shall include the land between the river and a line co-extensive therewith, such line being measured (i) at a distance of 5 metres on the landward side of the foot of any artificial embankment constructed for the purposes of the river or (ii) if there is no such artificial embankment, at a distance of 5 metres measured along the surface of the bank from the level of mean high water springs.

"Collision Regulations" has the meaning assigned to that expression by Section 418 of the Merchant Shipping Act 1894.

"Competent" when used in relation to a master or any other person means respectively a master or person having such qualifications, training or experience that he is capable of carrying out the duties required of him.

"Dredging" means excavating, raising, breaking, dispersing, drilling, boring or severing material in the bed or banks of the river.

"Emergency Services" means the Police, Fire, Coastguard and Ambulance services.

"Goods" includes articles, substances and merchandise of every description and nature and fish, livestock and animals whether or not the goods are in the possession or control of any person or comprise luggage of any kind.

"Loading" includes ballasting, stowing and all operations associated with and consequential upon the loading of goods on or in vessels and "loads", "loaded" and "unloading" shall be construed accordingly.

"The Lock" shall mean the lock forming part of Work No 1 constructed in pursuance of the Act.

"Master" where used in relation to a vessel means any person (whether owner, master or other person) having or taking the command, charge or management of the vessel for the time being.

"Owner" when in relation to:-

- i) goods or property includes the owner, any part owner or person in charge of the goods or property
- ii) a vessel includes the owner, any part owner, any person in charge of the vessel or master, broker, charterer, hirer or agent or mortgagee in possession of the vessel.

"Passenger" shall have the same meaning as in Section 26 of the Merchant Shipping (safety Convention) Act 1949.

"Passenger vessel" means any vessel in respect of which for the time being there is in force a valid passenger certificate issued by the Department of Transport.

"Power - driven vessel" means any vessel being propelled by its own machinery.

"Quay" means any Quay, wharf, jetty, dolphin, landing stage or other structures used for berthing vessels and includes any pier, bridge, roadway or footpath immediately adjacent and affording access thereto.

"River" means upstream river as defined in the Act which definition is set out in Schedule 1 of these Byelaws.

"The River Master" means the person appointed as Harbour Master pursuant to Section 51 of the Harbour Docks and Piers Clauses Act 1847 (incorporated

by Section 34 (1) of the Act ) by the Authority and includes all authorised deputies and assistants and persons authorised by the Authority to act in such capacity.

"Rubbish" includes ballast, refuse, ashes, scrap and waste materials.

"Sanitary appliances" means any water closet, sea toilet, lavatory, bucket, device or apparatus for the reception of polluting matter.

"Underway" means not at anchor, made fast to the shore, moored or aground.

"Vessel" means every description of vessel however propelled or moved and includes a part of a vessel and any manufactured article or thing constructed, adapted or used for floating on or being submerged in water (whether permanently or temporarily) and a hovercraft, hydrofoil or any other amphibious vehicle on, in or over water and a seaplane on or in water.

(2) Expressions used in these Byelaws shall unless the contrary intention appears have the same respective meanings as in the River Tees Barrage and Crossing Act 1990.

(3) The headings and notes to these Byelaws are inserted for reference purposes only and shall not in any manner affect the construction or meaning of the Byelaws or anything contained in them.

(4) A reference in these Byelaws to an enactment shall be construed as a reference to that enactment as re-enacted, amended, extended or applied by or by virtue of any other enactment.

(5) In these Byelaws, unless the contrary intention appears:-

(a) words importing the masculine gender include the feminine;  
(b) words in the singular include the plural and words in the plural include the singular.

(6) Nothing in these Byelaws shall limit the existing right of navigation on the river.

NOTE:- NOTHING IN THESE BYELAWS SHALL BE INTERPRETED AS REMOVING THE NEED FOR CONSENT FROM THE RELEVANT LANDOWNER OR ANY OTHER PERSON WHOSE CONSENT IS OTHERWISE REQUIRED

#### 4 APPLICATION OF COLLISION REGULATIONS

The master of a vessel on any part of the river shall observe and obey the Collision Regulations with the exceptions, additions and variations contained in these Byelaws.

### PART 2 RECREATION AND AMENITY

#### 5 WATER SKIING, AQUAPLANING AND OTHER SIMILAR ACTIVITIES

(1) No person shall engage or take part in water skiing, aquaplaning, kiting or parachute towing or any similar water-borne or airborne activity except with the consent of the Authority given either specifically or generally and only in such areas and at such times as may be designated by the Authority.

(2) A master whilst using his vessel for any of the above purposes shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may reasonably be required in connection with the activity.

(3) The Authority may in writing exempt any vessel from the requirement in paragraph 2 of this Byelaw.

(4) No person shall navigate a vessel which is towing more than one water skier at the same time except with the consent of the Authority.

(5) No person shall navigate any vessel which is towing a water skier between sunset and sunrise.

#### 6 UNAUTHORISED TRADING

No person shall engage by way of trade in buying, selling or hiring any goods or property or engage in any commercial operations involving handling or movement of goods on the river without the consent of the Authority.

#### 7 VESSELS NOT TO BE FUMIGATED WITHOUT PERMISSION

The owner and master of a vessel shall not cause or permit their vessel to be fumigated without the consent of the Authority.

#### 8 RESTRICTION ON SHIPPING RUBBISH

The owner and master of a vessel shall not cause or permit their vessel to be used for the conveyance of rubbish (other than the vessel's domestic rubbish) except with the consent of the Authority.

## 9 DIVING ETC

No person shall:-

- a) engage in any underwater operations or activities without the consent of the Authority provided that this part of this Byelaw shall not apply to employees of the Authority. The National Rivers Authority or the emergency services
- b) jump into the river or onto any vessel on the river from any place including a bridge or a highway or dive or swim or bathe in the river in such a manner as to cause obstruction, nuisance, annoyance or risk of danger or injury to persons or property.

## 10 DESIGNATION OF SPECIFIC ACTIVITY AND WILDLIFE CONSERVATION AREAS

(1) The Authority may with the agreement of the Crown Estate Commissioners and after consultation with the appropriate officers or representatives of any consultative forum established by the Authority to represent the interests of users of the river, designate certain parts of the river as approved locations for a specific sport or recreational activity ("designated activity areas") or as locations reserved for the preservation of flora and fauna ("designated wildlife conservation areas") and may regulate or prohibit other sports or recreational activities at that location at all times or at specified times.

(2) The Authority may erect notices indicating the precise locations and times where activities are prohibited in pursuance of this Byelaw and no person shall engage in such prohibited activity where such notice is prominently displayed at a time when such notice indicates that activity to be prohibited.

(3) Nothing in this Byelaw shall apply so as to restrict fishing from any part of the bank of the river which is not a public right of way.

## 11 REGATTAS, RACES AND SIMILAR EVENTS

(1) This Byelaw applies to any regatta, boat race, procession, pageant or any other similar event, or any part of any such event.

(2) No person shall organise any such event on the river unless he supplies to the Authority such information in regard to that event as the Authority may require at least 28 days before such event and obtains the consent of the Authority to the holding of such event.

(3) The organiser of any of the events referred to in this Byelaw shall ensure that it only takes place in accordance with any conditions imposed by the Authority and in areas or at places or on courses and at times previously

approved by the Authority.

## 12 OBSTRUCTION OF REGATTAS ETC

The master of any vessel shall not:-

- a) pass any regatta, boat-race, procession, pageant, any gathering for the launch of a vessel or any other event which may cause a crowd to assemble on or by the river, nor
- b) station his vessel on the river nor
- c) launch any vessel

in such a manner as would seriously risk obstructing, impeding or unreasonably interfering with such event, endangering the safety of persons assembling on the river or preventing or unreasonably interfering with the maintenance of order thereon.

## 13 FISHING NETS AND LINES NOT TO CAUSE OBSTRUCTION

No person shall cast or place any fishing or other net or fishing line in such a manner or position as to become an obstruction to navigation or danger to any person or property or from any unmoored vessel.

## 14 GENERAL CONDUCT

No person shall while using or while in, on or about the river or the banks thereof:-

- a) ice skate on any part of the river;
- b) knowingly bathe at any place where bathing is for the time being prohibited by the Authority, and so indicated by notice publicly displayed;
- c) dig for lugworm, ragworm or any form of fishing bait;
- d) use any radio, television, record player, tape recorder or any other electrical equipment or any musical instrument resulting in the broadcasting or transmission of any noise, speech or sound in such manner to give cause for annoyance to any reasonable person without the consent of the Authority;
- e) intentionally or recklessly commit an act or use any vessel which may occasion a danger or significant nuisance or unreasonable obstruction to any person or which may unjustly affect the safety or amenity of the river or the banks thereof or persons thereon;
- f) unreasonably obstruct any other person exercising the rights or enjoying the

facilities which he may be entitled to exercise or enjoy on the river or the banks thereof;

g) cause or permit any dog or other animal in his charge to enter or remain on the river or the banks thereof unless such dog or other animal is under proper control and if effectively restrained from causing annoyance to any person or worrying or disturbing any bird or animal, provided that this provision shall only apply to areas to which the public have a general right of access;

#### **15 FIRES**

(1) No person shall whilst in, on or about the river or the banks thereof light, maintain, throw down, place or leave any fire or any flaming, smouldering or burning substance, matter or thing in any place where the same may cause damage to property of any kind or give reasonable grounds for annoyance to any person.

(2) No person shall smoke or use matches or any appliances whatsoever for producing ignition at or near any place where loading or discharging of petroleum spirit, gas, explosive vapour or ballast water or gas freeing or tank cleaning is being carried out.

#### **16 INTERFERENCE WITH AND DAMAGE TO PROPERTY AND VESSELS**

(1) No person other than the River Master or an officer of the Authority or the National Rivers Authority acting in the execution of his duty shall other than in an emergency:-

a) start or restart the engine or in any way interfere with the machinery of any vessel without the permission of the master of that vessel;

b) go aboard or gain access to any vessel without the permission of the owner or master of that vessel, save for the purpose of lawful access to vessels moored alongside.

(2) Where the Authority has indicated by a notice exhibited on or alongside any gate on the bank of the river that it is prohibited to leave the gate open no person having opened that gate or caused it to be open shall leave it open.

(3) No person shall, without good cause, cause a vehicle (whether attended or unattended) to obstruct the bank of the upstream river.

(4) No person without lawful authority shall camp or sleep out on the bank of the river.

(5) No person shall abandon or cause to be abandoned a vehicle or any part of a vehicle in any part of the river or its banks and for the purposes of this Byelaw a person who leaves a vehicle or any part of a vehicle in any part of the

river or on any bank in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

(6) No person shall without lawful authority or as otherwise provided by paragraph (8) of this Byelaw:-

a) interfere in any manner whatsoever with or deface any property of the Authority or any goods in the Authority's possession or their charge or under their control;

b) use, work or move any vessel, vehicle, plant, machinery, equipment or apparatus of the Authority.

(7) No person shall without lawful authority climb on to or otherwise gain access to or intentionally interfere in any manner whatsoever with any floating or other light, signalling apparatus, buoy, beacon or other mark or sign intended for use for navigational purposes.

(8) No person shall:-

a) intentionally or recklessly obstruct the use or operation of or interfere with any fire-fighting or life-saving equipment or apparatus;

b) use or remove any such equipment or apparatus except for the purpose of combating fire or saving life or with lawful authority for inspection or maintenance purposes

(9) No person shall without reasonable cause interfere with, slacken or loosen any rope, chain or other mooring of a vessel or otherwise cast a vessel adrift in the river.

### **PART 3 NAVIGATION**

#### **17 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.

#### **18 VESSELS TO KEEP TO STARBOARD SIDE OF THE RIVER**

The master of a power-driven vessel navigating in a navigable channel of the river shall as far as practicable cause his vessel to keep to the side thereof which lies on the starboard hand of the vessel except when crossing the channel to or from a mooring place, wharf or landing place, or with the consent of the Authority.

## 19 VESSELS MEETING

in the river if 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 stemming the tide or the flow of the river shall cause his vessel to give way to the other vessel.

## 20 STERING

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.

## 21 CROSSING THE RIVER

Notwithstanding anything to the contrary contained elsewhere in these Byelaws the master of every vessel crossing from one side of the river to the other side or entering the main channel from any side channel, cut or other waterway shall do so at a proper time having regard to vessels navigating up and down the river and shall give way to such vessels.

## 22 AVOIDING COLLISION

(1) The master of every power-driven vessel navigating against the current or tidal flow shall, if necessary in order to avoid the risk of collision, ease the speed of the vessel or stop the vessel on approaching or when rounding a point or sharp bend so as to allow any vessel navigating with the current or tidal flow to pass clear of his vessel.

(2) The master of every power-driven vessel navigating against the current or tidal flow on approaching or passing under a bridge, shall ease the speed of or stop the vessel in order to avoid risk of collision with another vessel navigating with the current or tidal flow approaching or passing under or through the same bridge.

(3) The master of every power-driven vessel navigating under or through a bridge shall ensure that the vessel shall approach and pass under or through the bridge at the slowest practicable speed.

NOTE:- SEE BYELAW NO 4 (APPLICATION OF COLLISION REGULATIONS)

## 23 SPEED

(1) The master of every vessel shall navigate such vessel at all times at a safe speed and with due care and caution to prevent avoidable damage or unreasonable disturbance to persons, other vessels, moorings or the river banks and in such manner as to show reasonable consideration for all persons and property in, upon or about the river or the banks thereof or any land of the Authority.

(2) The master shall not navigate a power-driven vessel at a speed over the bed of the river greater than 8 kilometres per hour

NOTE:- THIS IS APPROXIMATELY 5 STATUTE MILES OR 4.34 NAUTICAL MILES PER HOUR

(3) The maximum speed prescribed in this Byelaw shall not apply to:-

a) power-driven vessels directly engaged in safety duty, training, coaching or umpiring of vessels powered by oar or by sail where such suitable power-driven vessels have been approved by the Authority and are displaying a pennant or mark of a type issued by the Authority the issue of which may be subject to such conditions as the Authority may from time to time prescribe;

b) vessels in use by the Authority, the National Rivers Authority or the emergency services;

c) areas or vessels specifically authorised by the Authority.

## 24 VESSELS ETC CAUSING OBSTRUCTION

(1) 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 give rise to an obstruction;

shall notify the River Master as soon as practicable of the occurrence and if so requested provide him with full written details and any further information which he may reasonably require.

(2) The owner of an obstruction of whatever description whether or not floating, which impedes or is likely to impede navigation or dredging in the river including any sunken, grounded, stranded or drifting vessel, wreck or vehicle, shall if so directed by the River Master and in accordance with any directions he may give take steps to remove the obstruction or have it removed.

NOTE:- 1. IT IS AN OFFENCE UNDER SECTION 38 OF THE ACT TO NEGLECTLY ALLOW A VESSEL TO COME ADRIPT FROM ITS MOORING

2. THE AUTHORITY HAS VARIOUS POWERS UNDER SECTIONS 39 AND 40 OF THE ACT TO REMOVE VESSELS AND OBSTRUCTIONS AND RECOVER ITS COSTS

## 25 COLLISIONS

(1) The master of a vessel shall notify the River Master as soon as practicable of :-

- a) any damage (other than superficial damage) caused to another vessel, person or property, or
- b) the cutting adrift of any navigation mark, buoy or mooring buoy, and as soon as practicable if so requested provide him with full written details and any further information which he may reasonably require.

(2) Damage (other than superficial damage) caused to another vessel shall be notified as soon as practicable, in writing, to the owner or other person in charge of that vessel.

## 26 UNSAFE VESSELS

The master of a vessel which has sustained damage or has any defect which affects or is likely to affect its seaworthiness or safe navigation, or to give rise to danger to persons, other vessels or property, or from which oil or a harmful, dangerous or flammable substance is likely to escape :-

(a) shall not take the vessel into the river without the consent of the Authority;

(b) shall, if any of the above mentioned events occur whilst the vessel is within the river, notify the River Master as soon as practicable and if so requested provide him with full written details and any further information which he may reasonably require;

(c) shall only move the vessel within the river with the consent of the River Master or in accordance with his directions, unless for safety reasons it is necessary to do so to clear the main channel, or to berth, moor or anchor the vessel before such consent or directions can be obtained;

(d) shall remove the vessel from the river if so directed by the River Master.

## 27 DREDGING

No person shall carry out dredging save as authorised by an enactment without the consent of the Authority.

NOTE:- DREDGING MAY ALSO NEED THE CONSENT OF THE CROWN ESTATES COMMISSIONERS

## 28 AVOIDANCE OF DREDGING DIVING, AND OTHER WORKS

The master of a vessel shall cause her:-

- a) to be kept clear of dredgers or other craft engaged in the laying or retrieving of moorings, navigational works or salvage works authorised by the Authority or by any enactment, and
- b) to be navigated with 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 underwater work.

## 29 WIRES ETC NOT TO BE LAID ACROSS RIVER

Except for the purposes of anchoring in the ordinary course of navigation, no person shall without the consent of the Authority lay down, erect or maintain knowingly cause to be laid down, erected or maintained any wire, rope, cable or chain in, over, under or across the river provided that this Byelaw shall not restrict, prevent, unreasonably interfere with or prejudice the exercise of any existing or future statutory rights or powers.

NOTE:- ANYTHING LAID ON THE RIVER BED MAY REQUIRE THE CONSENT OF THE CROWN ESTATE COMMISSIONERS.

## 30 NO DRAGGING OR GRAPPLING WITHOUT PERMISSION

(1) No person other than an officer of the Emergency Services in the execution of his duties shall drag or grapple in the water of the river for any material or article or remove the same from those waters or from the bed of the river without the consent of the Authority.

(2) This Byelaw shall not apply to the removal of rubbish or any article or thing which is required to be removed from the river under or in pursuance of these Byelaws or any enactment.

## 31 NAVIGATING UNDER THE INFLUENCE OF DRINK OR DRUGS

No person shall navigate or attempt to navigate or be in charge of a vessel under the influence of drink or a drug to such an extent that his ability to have proper control of such vessel may be impaired.

## 32 SIGNALS

(1) A person in charge of or supervising diving operations undertaken in the river without an attendant vessel shall cause to be exhibited on shore where it can be best seen and as near as possible to the scene of such operations a rigid replica of Flag 'A' as shown in Schedule 2 of these Byelaws and shall take measures to ensure that such replica is clearly visible from any approaching or



passing vessel and the said replica shall be exhibited for the duration of the diving operations.

(2) The master or owner of any sunken vessel or part of a vessel, wreck or any obstruction which impedes or is likely to impede navigation shall as soon as practicable mark it or cause it to be marked with such of the signals specified below as the Authority may direct:-

a) any of the appropriate aids to navigation specified in the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System as applied in Region A, or

b) a yellow flag displayed on the shore immediately adjacent to the obstruction such flag to be illuminated by night in such position as to be clearly visible from any vessel approaching or passing the obstruction.

NOTE:- SEE ALSO BYELAW 26 (VESSELS ETC CAUSING OBSTRUCTION)

(3) No vessel other than vessels being used by the River Master, the Authority, the National Rivers Authority or by the emergency services may exhibit a blue flashing light or a flashing light of any other kind without the consent of the Authority.

### 33 EXEMPTIONS

(1) Nothing in Byelaws 17 to 23 shall exonerate the master of any vessel from the consequences of any neglect to comply with these Byelaws or from the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

(2) In construing and complying with Byelaws 17 to 23 the master of every vessel shall have due regard to all dangers of navigation or collision or to any special circumstances including the limitations of the vessels involved which may make a departure from these Byelaws necessary to avoid any immediate danger to persons or to property.

(3) In the event of a prosecution for any breach of Byelaws 17 to 23 it shall be for the defendant to prove the existence of any such dangers of navigation or collision or special circumstances necessitating a departure from the Byelaws to avoid any immediate danger to persons or to property.

## PART 4 REGISTRATION OF VESSELS

### 34 VESSELS REQUIRING REGISTRATION

(1) The owner of a vessel (other than a houseboat) kept in the river or on the banks thereof or using the river shall:-

- a) register the same with the Authority as soon as practicable, and
- b) thereafter register the vessel at intervals of not more than one year, and
- c) inform the Authority of the place where the vessel is kept, and
- d) provide such other information as the Authority shall reasonably require

(2) No person shall use, navigate or assist in navigating a vessel on the river unless:-

- a) that vessel has, if so required by these Byelaws, been registered with the Authority and such registration has not expired or been revoked, and
- b) any conditions attached to registration in accordance with Byelaw 36 are complied with.

NOTE:-HOUSEBOATS MUST BE REGISTERED UNDER SECTION 45 OF THE ACT AND MAY ALSO REQUIRE THE CONSENT OF THE CROWN ESTATE COMMISSIONERS

### 35 CLASSES OF REGISTRATION

The Authority may specify different classes of vessel for purpose of registration and the classes may amongst other classes include the following:-

- a) Passenger Vessels;

NOTE:- UNDER SECTION 271 OF THE MERCHANT SHIPPING ACT 1894 (AS AMENDED) MOST VESSELS CARRYING MORE THAN TWELVE PASSENGERS (WHETHER FARE PAYING OR NOT) REQUIRE A DEPARTMENT OF TRANSPORT CERTIFICATE.

- b) Vessels capable of carrying twelve or fewer passengers which are let on hire or carrying passengers for payment ("pleasure boats");

c) Vessels capable of carrying twelve or fewer passengers which are used privately and for pleasure ("private boats");

d) Vessels capable of carrying twelve or fewer passengers which are used for the purpose wholly or partly of any trade business or profession ("commercial vessels").

### 36 CONDITIONS

(1) The Authority may impose such conditions as it thinks fit in connection with such registration and may impose different conditions for different vessels or classes of vessels and such conditions may include (without prejudice to the

generality of the foregoing) provisions regarding:-

- a) the construction, equipment or use of the vessel, provided that such conditions shall not be inconsistent with any national conditions agreed by the National Rivers Authority if such exist, or
  - b) Standards of competence of persons using the vessel, or
  - c) the areas of the river in which that vessel or class of vessel may be launched.
- (2) No conditions under these Byelaws shall be inconsistent with any conditions imposed by the Department of Transport on any passenger vessel.

### **37 EXEMPTIONS**

- (1) (a) Nothing in these Byelaws shall require the registration of:-
- i) any newly constructed or newly restored vessel in respect of any bona fide trial trip of such vessel on the river, or
  - ii) any vessel in respect of its movement from any boat-builder's yard on the river to any other place thereon with a view to its immediate removal from the river, or
  - iii) any vessel for the purpose of its participation in any regatta or boat race.
- b) Not less than 48 hours' notice in writing shall be given to the Authority of the intention to make such trip, move such vessel or use it in such regatta or boat race and any conditions specified by the Authority in that behalf shall be complied with.

NOTE:- THE ABOVE EXEMPTIONS REFLECT THE PROVISIONS OF SECTION 50(3) OF THE ACT

- (2) Nothing in these Byelaws shall require the registration of any vessel which is used by the Authority, the National Rivers Authority or the emergency services.

- (3) Notwithstanding anything in these Byelaws the Authority may on such terms and conditions as it thinks fit issue the owner of any vessel a certificate exempting such vessel from the need for registration.

### **38 APPLICATIONS FOR REGISTRATION**

- (1) An application for registration under these Byelaws shall be made on a form supplied by the River Master and shall be accompanied by the appropriate charge prescribed in pursuance of Byelaw 39 (Charges).

- (2) An applicant for registration of a vessel under these Byelaws shall certify that he has read the Authority's current registration conditions and current specifications as to the construction and equipment for the class of vessel to which the application relates and any specific conditions or specifications for that vessel and that the vessel complies in every respect with such specification.

- (3) All applications for registration must include such information as the Authority may require in connection therewith and applicants must also provide such other information that the Authority may reasonably require thereafter.

### **39 CHARGES**

- (1) The charges prescribed in respect of the registration of vessels under these Byelaws shall be as published from time to time in one or more newspapers generally distributed in the area of the river and different charges may be prescribed for different classes of vessel.
- (2) In fixing charges the Authority shall have regard to the cost of administering and enforcing the scheme of registration under these Byelaws.

### **40 EXPIRY AND REVOCATION**

- (1) Every registration under these Byelaws shall if not previously expired or revoked expire on 31st day of March next after the date thereof.
- (2) If any vessel registered under these Byelaws shall be in breach of the provision of any of these Byelaws as to the construction or equipment the Authority shall be at liberty to revoke the registration of that vessel if:-
- a) notice is given by the Authority to the owner or master or the person who completed the application form for registration specifying the nature of the breach of the Byelaws and requiring the said breach to be remedied within a period being not less than twenty eight days, and
  - b) the said breach is not remedied in the period specified in the notice.
- (3) If the owner or master of any vessel registered under these Byelaws shall be in breach of any of these Byelaws the Authority shall be at liberty to revoke the registration of a vessel if:-
- a) notice is given by the Authority to the owner or master of that vessel specifying the nature of the breach and warning that upon any further breach of those Byelaws the Authority is at liberty to revoke the registration of the vessel in which or in connection with which the breach arose, and

h) the owner or master is after service of that notice in further breach of any of these Byelaws in connection with the vessel for which the Authority seeks to revoke registration.

(4) If any person has been convicted of any offence under these Byelaws in connection with any vessel the Authority shall be at liberty to revoke the registration of that vessel.

(5) Section 51 (2) and (3) of the Act shall apply to any revocation made or imposed under this Byelaw.

#### **41 REGISTRATION PLATES AND LICENCE STICKERS**

(1) The Authority may also when registering a vessel under these Byelaws provide a plate which shall be made in accordance with a pattern approved by and shall remain the property of the Authority and the master of the vessel in respect of which the plate is issued shall place and take all reasonable steps to ensure that such plate is kept in a conspicuous position upon the said vessel and shall not transfer such plate to any other vessel.

(2) Upon the expiration of the period in respect of which any registration plate is valid the master shall ensure that it ceases to be displayed on the vessel.

(3) The Authority may at any time require that a master or owner of any vessel which is displaying a registration plate the validity of which has expired shall hand over the plate or plates to him upon demand.

(4) The master of every vessel on the river which has been issued with a registration plate shall on demand show the Authority that plate.

(5) The master or owner of any vessel registered under these byelaws shall display on that vessel a licence sticker for the current year of registration which can be obtained from the Authority upon payment of the appropriate registration charge.

(6) The requirement in this Byelaw that a vessel display a registration plate will, with the Authority's consent, be satisfied if the number concerned is painted on the vessel.

### **PART 5 ACCIDENTS AND SAFETY**

#### **42 ASSISTANCE TO EMERGENCY SERVICES**

(1) The master of a vessel shall give every reasonable facility and assistance to the emergency services for dealing with, alleviating or preventing an emergency.

(2) No person shall obstruct the emergency services in dealing with alleviating

or preventing an emergency.

(3) No person shall intentionally or recklessly obstruct or prevent the River Master taking steps if he deems it necessary to have any fire or flame extinguished or to have the use of any lamp, light, equipment or apparatus stopped when it is lit or used in contravention of these Byelaws.

#### **43 LIGHTS NOT TO INTERFERE WITH NAVIGATION**

No person shall except in pursuit of a statutory power knowingly place or use on or near the river any light which is likely to mislead persons navigating the river or to endanger the safe navigation of vessels upon the river.

#### **44 AIRCRAFT**

No person shall land or take off an aircraft (including a seaplane) on or from the river or the banks thereof except with the consent of the Authority

### **PART 6 POLLUTION PREVENTION**

#### **45 RIVERSIDE PROPERTY**

(1) The owner and occupier of any property abutting on or projecting into the river shall take all reasonable steps to ensure that no part thereof falls or is washed or is likely to fall or to be washed into the river.

NOTE:- UNDER SECTION 41 OF THE ACT THE AUTHORITY HAS CERTAIN POWERS TO REMOVE OBSTRUCTIONS OVER THE RIVER OR AN ADJOINING FOOTPATH AND TO RECOVER ITS EXPENSES FROM THE OWNER. SECTION 42 CONTAINS POWERS TO REQUIRE LANDING STAGES TO BE REPAIRED.

(2) The owner or occupier of any such property a part of which has fallen into the river shall:-

a) take steps as soon as practicable for the recovery of such property from the river, and

b) if the property has not been immediately recovered from the river, advise the River Master as soon as practicable of the occurrence and if possible of the position of the property which has fallen, and

c) comply with any directions of the River Master in connection with the recovery of the property.

#### **46 DUMPING**

(1) No person shall cause or permit to enter into the waters of the river any rubbish, article, material or thing whatsoever (whether liquid or solid) or place it

## PART 7 MOORINGS

### 49 PERMISSION TO ANCHOR

- (1) The master of a vessel shall not except with the consent of the Authority anchor or otherwise place or stop his vessel on the river in such a manner as to cause an obstruction or impediment to other vessels using, approaching or leaving the river or so as to obstruct the banks thereof except in an emergency to avoid collision, drifting, stranding, grounding or damage to any vessel or property.
- (2) The master of a vessel which in an emergency has been anchored placed or stopped on the river in such a position as to cause an obstruction or impediment to other vessels shall as soon as practicable report the occurrence to the River Master.
- (3) The master of a vessel which is in such a position and which, in the opinion of the River Master, is likely to cause an obstruction or impediment as aforesaid shall upon being ordered by the River Master as soon as practicable move his vessel to a position approved by the River Master except where prevented from doing so by reason of emergency as described in default of which the River Master may take any action he considers necessary to remove the obstruction or impediment.

### 50 MOORING

The master of a vessel not underway shall at all times:-

- a) keep his vessel properly and effectively moored or anchored;
- b) ensure that its moorings are adjusted as necessary to allow for the rise and fall of water levels;
- c) comply with any conditions in relation to the use of a mooring as have been specified by the Authority on a notice prominently displayed at the site of that mooring.

NOTE:- SEE SECTION 49 OF THE ACT AND BYELAW 61 (RIVER MASTER'S DIRECTIONS)

### 51 PROJECTIONS AND FENDERS

The master of a vessel shall ensure that whilst his vessel is being or is moored or is at anchor or at a quay or alongside another vessel or is leaving a quay or from alongside another vessel:-

- a) all projections beyond the sides of his vessel which are moveable, other than fenders and which may cause injury, damage or obstruction are removed;

or permit to be placed in such a position that it may enter into such waters providing that this Byelaw shall not apply to the entry or placing of any rubbish, article, material or thing which is:-

- a) an offence under the Food and Environment Protection Act 1985 or the Water Resources Act 1991, or
  - b) required for the execution of any work authorised or licensed by or under any enactment or with the consent of the Authority, or
  - c) without prejudice to (the provisions of Byelaw 50 (permission to anchor)), necessary for the anchoring of a vessel, or
  - d) used by anglers in the legitimate and responsible pursuit of their sport.
- (2) The master of a vessel from which any goods or other materials or things has fallen or escaped into the waters of the river or the person in charge of the loading or unloading as appropriate shall take such steps as are practicable for the recovery of such goods or other materials or things and if such steps are not immediately practicable give notice as soon as practicable of the occurrence to the River Master and comply with any directions of the River Master in that regard.

### 47 DISCHARGES OF RUBBISH AND POLLUTING MATTER ONTO BANKS

The master of a vessel shall not cause or permit any rubbish or any noxious or polluting matter to be cast, placed, or discharged or to escape from the vessel on to any banks of the river provided that this Byelaw shall not apply to anything cast, placed, discharged or escaping which is an offence under the Environmental Protection Act 1990.

### 48 USE OF VESSELS WITH SANITARY APPLIANCES

- (1) No owner or master of any vessel shall keep or use or knowingly permit to be kept or used on the river any vessel provided with a sanitary appliance unless any such appliance is so designed, constructed or adapted and at all times maintained as necessary to prevent the passage into the river of its contents.
- (2) The master of any vessel shall, upon request, permit and provide all reasonable facilities for the River Master or any Officer of the Authority to take such steps (by way of sealing or otherwise) as may be reasonably necessary for preventing the passage into the water of polluting matter from the vessel. So long as the vessel remains in the river such sealing or other steps taken shall not be interfered with or altered except with the approval of the Authority.

the vessel is adequately fendered off that quay or other vessel so as to prevent damage to that quay or other vessel or to other property or to his vessel;

c) no fenders are used which cannot float on the surface of the water.

**52 USE OF ENGINES WHILE VESSEL MOORED OR ANCHORED**

The master of a vessel which is moored or anchored shall not permit the engines, generators or the vessel to be worked in such a manner as to cause injury or significant nuisance to any person or damage to the bed or banks of the river or to any other vessel, mooring, quay or other property of any description or as to interfere unreasonably with the safe navigation of any other vessel.

**53 MOORING OF VESSELS WITH SLEEPING ACCOMMODATION**

The master or owner of any vessel with sleeping accommodation (whether or not being a houseboat) shall only moor such vessel for overnight use on the river at places approved by the Authority where such approval is indicated on a notice prominently displayed or with the consent of the Authority.

**NOTE :- SUCH MOORINGS MAY REQUIRE THE CONSENT OF THE CROWN ESTATE COMMISSIONERS**

**54 BOARDING**

No person shall embark onto or disembark from any vessel on the river at any place where mooring is prohibited under the Act except at those places where such embarking or disembarking is expressly authorised by the Authority and such authorisation is indicated by a notice prominently displayed and in such cases the owner or master of a vessel shall ensure that any conditions imposed by the Authority which are displayed on the said notice are complied with.

**PART 8 THE BARRAGE**

**55 ENTRY INTO THE LOCK OR ITS APPROACHES**

- (1) The master of any vessel shall not permit the vessel to enter the Lock unless there be sufficient water to flat and to carry such vessel through the Lock and its approaches and the master of any vessel shall not stop the vessel in the Lock or its approaches longer than is necessary for the filling or emptying of the Lock and for the passage of the vessel through the same.
- (2) The master of any vessel (including a towed vessel) shall not enter the Lock or its approaches unless the vessel is in sound and serviceable condition.

(3) The master of a sailing vessel shall ensure that his vessel shall not enter the Lock or its approaches while his sail is hoisted nor shall during the time his vessel continues to be in the Lock or its approaches hoist any sail.

(4) References in these Byelaws to the Lock and its approaches shall include any channel or cut leading to or from the Lock.

**56 VESSELS TO BE MADE FAST IN THE LOCK**

The master of a vessel (including a tug with a tow) after entering the Lock shall ensure that the vessel is controlled by mooring lines from the shore to the bow and stern of the vessel in such manner as to prevent the vessel from running foul of the gates or works or other vessels in the Lock provided that this Byelaw shall not apply to vessels in use by the River Master, the Authority, the National Rivers Authority or by the emergency services.

**57 USE OF THE LOCK**

(1) No person other than the River Master or the Authority and its servants or agents shall:-

- a) open or close or attempt to open or close any gate of the lock;
- b) draw or operate any sluice;
- c) cause or allow any vessel to remain in the Lock or its approaches longer than is necessary for the convenient passage thereof.
- (2) No person shall, without the consent of the Authority or having been expressly requested by the River Master to do so, use or interfere with the use of the Lock.
- (3) No person employed in, upon or about any vessel shall wind or coil any rope, chain or other fastening around or fix or fasten the same to any lock gate or other work except to the bollards, ropes and chain provided for the purpose of bringing up or stopping vessels.

**58 PRECAUTIONS WHILE WAITING TO ENTER AND USING THE LOCK**

- (1) The master of any vessel shall ensure that no fuel container or tank shall be opened or manipulated on a vessel while the same is in or waiting to enter the Lock.
- (2) While any vessel is waiting to enter the Lock the master of such vessel shall take all reasonable care to prevent annoyance of other persons from the escape of fumes from the exhaust.
- (3) When a power-driven vessel enters the Lock the master of any such vessel

after complying with the requirements of Byelaw 56 (Vessels to be made fast in the Lock) shall ensure that the vessel's engines are put into neutral or stopped and are not re-engaged or restarted until the lock-gates are opened for the egress of the vessels then in the Lock provided that the provisions of this paragraph of this Byelaw shall not apply to a vessel when no other vessel is passing through the Lock at the same time.

(4) No person on board any vessel in the Lock shall knowingly cause to be ignited any match, artificial lighter or other means of producing a flame.

#### **59 NOISE NEAR OR IN THE LOCK**

Subject to the provisions of Byelaw 61 (River Master's Directions) when any vessel is approaching, waiting to enter, entering or has entered the Lock the master of the vessel shall ensure that no sound or noise from any engine, radio, television, sound amplification equipment, musical instrument or any other source on his vessel occurs which may prevent clear communication of instructions or of information between any persons engaged in assisting the passage of any vessel through, by or over the Lock.

#### **60 OBSTRUCTIONS**

No person shall obstruct access to or egress from the Lock or its approaches, or obstruct persons in vessels approaching passing through or leaving the Lock or fish in the Lock.

### **PART 9 MISCELLANEOUS**

#### **61 RIVER MASTER'S DIRECTIONS**

The master of every vessel shall obey and conform to the directions of the River Master relating to the use, navigation, anchoring, berthing or mooring of such vessel.

#### **62 CHANGE OF OWNERSHIP OF VESSEL**

On any change in the ownership of a vessel registered under these Byelaws the owner and the parties to a change in ownership shall ensure that written notice of the change is given to the Authority as soon as practicable.

#### **63 PENALTIES**

(1) Any person who contravenes or otherwise fails to comply with any of these Byelaws or any condition, requirement or prohibition imposed by the Authority or the Authority in the exercise of the powers conferred upon them or him by these Byelaws shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (except for Byelaws 6, 8, 34, 41, 52 and 62 where the fine shall not exceed level 2) and in

the case of a continuing offence in respect of Byelaws 24, 26, 29, 32, 43, 45, 46, 47, 49 and 53 a daily fine not exceeding one tenth of level 3 in accordance with subsection 6 of section 50 of the Act.

(2) 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 an 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.

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

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

(4) If in any case the defence provided by paragraph (3) (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 fourteen 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.

#### **64 CONSENT OF THE AUTHORITY OR RIVER MASTER**

(1) Any requirement in these Byelaws for the consent of the River Master or the Authority shall be deemed to be a reference to the prior written consent except that in the case of any emergency such consent may be given orally and confirmed in writing as soon as possible thereafter.

(2) In any case where these Byelaws require the consent of the Authority or the River Master conditions, requirements or prohibitions may be imposed by the Authority or River Master as it or he seems fit in connection with such consent.

(3) Nothing in these Byelaws requiring the consent or other authorisation of the River Master shall require the Authority or its servants or agents to obtain such consent.

(4) Any request for the consent of the Authority shall be addressed to the River Master.

#### **65 PROTECTION OF CASTLEGATE MARINE CLUB**

Nothing in these Byelaws shall (except in the interests of safety or navigation)

require any modification to be carried out to any vessel which on 25th June 1990 belonged to a member of Castlegate Marine Club (or which prior to 1 January 1991 replaced such a vessel) or prohibit or preclude the use of such vessel on the upstream river.

IN WITNESS whereof the Common Seal of the Authority is hereunto affixed this 7th day of May 1993

THE COMMON SEAL OF TEESSIDE )  
DEVELOPMENT CORPORATION was here- )  
unto attached in the presence of :- )

R NORMAN  
CHAIRMAN

LS

D HALL  
CHIEF EXECUTIVE

The Secretary of State hereby confirms the foregoing byelaws which shall come into force on 1st September 1994

Signed by authority  
of the Secretary of State  
23 August 1994

M Nelson  
An Assistant Secretary  
in the Department of  
the Environment

## SCHEDULE 1 (BYELAW 3)

### LIMITS OF THE UPSTREAM RIVER

Section 2 (2) of the River Tees Barrage and Crossing Act 1990 states that:-

"The upstream river" means the area of water coloured pink on sheet numbers 6 and 7 of the deposited plans together with -

(a) an area of river extending for 100 metres downstream of the area coloured pink;

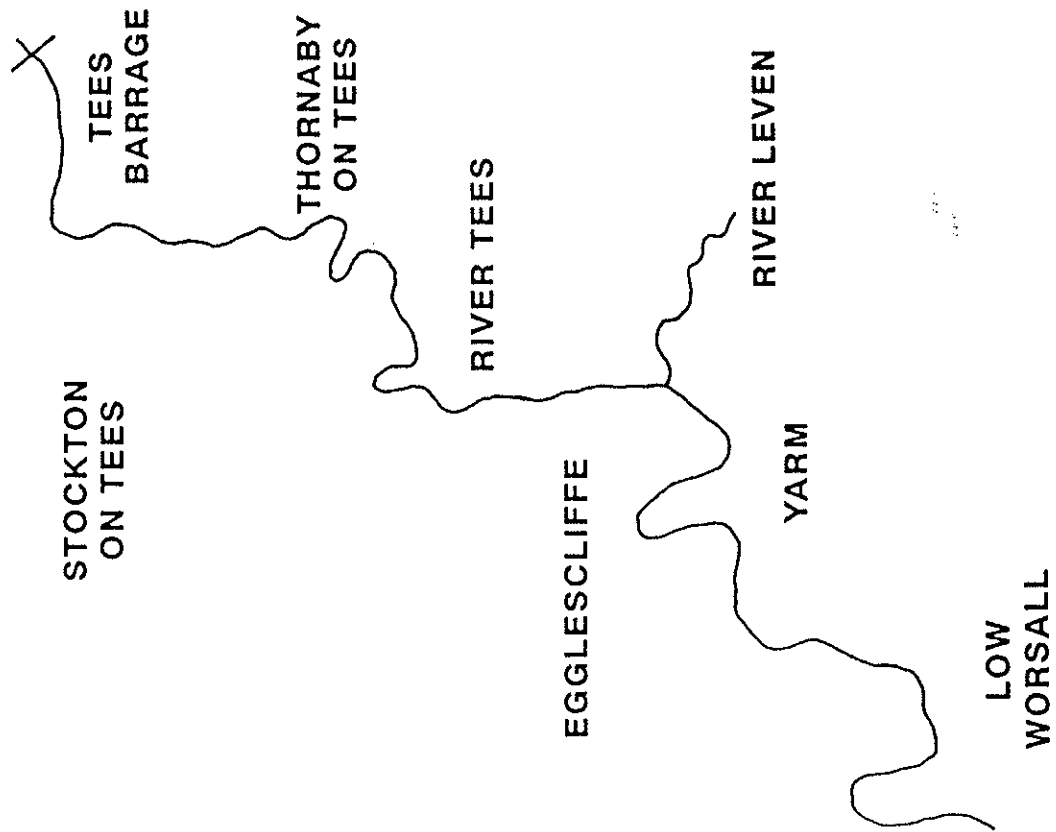
(b) such widening or lateral extension of the said area coloured pink as may be created or formed from time to time along the banks of the river; and

(c) any such canals, cuts, inlets, lakes, pools or other watercourses as may be constructed or provided on the Teesdale site and are connected, whether immediately or otherwise, with the said area coloured pink.

NOTE:- A SKETCH MAP SHOWING WITH A THICK BLACK LINE THE AREA COLOURED PINK REFERRED TO ABOVE AND ALSO THE AREA DESCRIBED IN

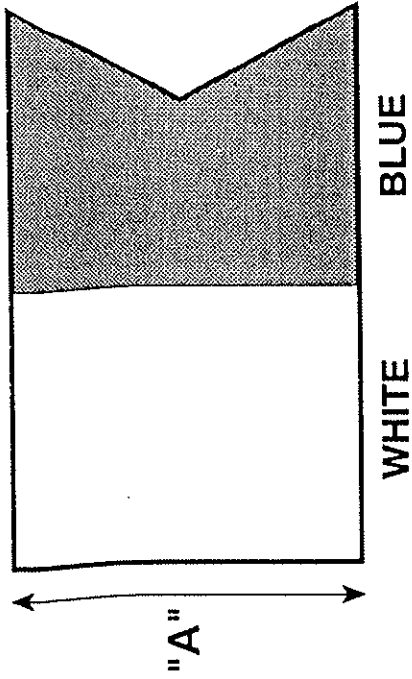
(a) ABOVE IS APPENDED TO THESE BYELAWS BY WAY OF ILLUSTRATION (BUT NOT OF DEFINITION) OF THE EXTENT OF THE UPSTREAM RIVER EXCLUDING THOSE AREAS REFERRED TO IN (b) AND (c) ABOVE.

# LIMITS OF UPSTREAM RIVER SKETCH MAP



# SCHEDULE 2 (BYELAW 32)

WHITE and BLUE flag to be displayed  
(Flag "A" of the International Code of Signals)



## DIMENSIONS

"A" shall in all cases be  
not less than 1 metre  
( 39.38 inches )