



Associated British Ports

THE HUMBER NAVIGATION BYELAWS 1990

ASSOCIATED BRITISH PORTS

The Humber Navigation Byelaws 1990

(The following note does not form part of the Byelaws)

NOTE

Attention is drawn to the footnotes to Byelaws 4(1), 9(2) and 31 regarding changes which have been made to the numbers of light buoys, VHF radio channels, and the VTS HUMBER telephone, facsimile machine, and telex machine. Notice of these changes was given in a Humber Notice to Mariners ref: H77/1997

dated: 2nd September 1997

By virtue of Byelaw 4(3) the relevant references to numbers are deemed to have been amended accordingly.

Associated British Ports, in exercise of the powers conferred on it by Section 12(2) of the Associated British Ports Act 1987 and of all other powers it enabling, hereby makes the following Byelaws.

PART I

PRELIMINARY

Citation, operations and revocation of existing Rules and Byelaws

1. (1) These Byelaws may be cited as the Humber Navigation Byelaws 1990 and shall come into operation on the expiration of 28 days after the date of their confirmation by the Secretary of State.
(2) On the coming into operation of these Byelaws the following Rules and Byelaws are hereby revoked:-
 - (a) The Lower Ouse Rules 1910.
 - (b) The Lower Ouse Byelaws 1912.
 - (c) The Humber and Lower Trent Navigation Byelaws 1956.

Division into parts

2. These Byelaws are divided into parts as follows:-

Part I PRELIMINARY

Part II GENERAL DUTIES OF MASTERS OF VESSELS

Part III LIGHTS AND SIGNALS

Part IV MOORING AND MANAGEMENT OF VESSELS

Part V CONDUCT OF PERSONS

Part VI PENALTY FOR CONTRAVENTION OF BYELAWS
RESPONSIBILITY AND DEFENCE

Application of Byelaws

3. These Byelaws shall apply in relation to all parts of the Humber as defined in Byelaw 4 hereof.

Interpretation

4. (1) In these Byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:-

“ABP” means Associated British Ports,

“the Humber” means:-

- (i) so much of the River Ouse as is within the limits of improvement as defined by Section 3 of the Ouse (Lower) Improvement Act 1884;
- (ii) the River Trent below the south side of the stone bridge at Gainsborough;
- (iii) the River Humber and the estuary thereof from the confluence of the Rivers Ouse and Trent to the seaward limits bounded by:-

(a) a straight line drawn from Easington Church (Latitude 53°39'N, Longitude 00°07'E) in a direction 136° true until it intersects the line mentioned below; and

(b) a straight line drawn from the site of the former Donna Nook beacon (Latitude 53°28'.38N, Longitude 00°09'.33E) in a direction 029° true;

- (iv) all navigable havens and creeks of the River Trent below the south side of the said stone bridge and of the River Humber or of the estuary thereof wherein

the tide flows and reflows; including, where the context so admits, any land adjoining the Humber but not including any part of the old harbour or haven at Hull (being part of the River Hull and within the jurisdiction of the Kingston Upon Hull City Council as navigation authority), the marina as defined in Section 4 (Interpretation of Part II) of the Kingston Upon Hull Act 1984 or any enclosed dock; **AND**, for the purpose of identification only, the limits of “the Humber” are delineated by red lines on the plan annexed to these Byelaws.

“the Collision Regulations” means regulations made under Section 21 of the Merchant Shipping Act 1979.

“fairway” means a navigable channel which is a regular course of shipping and includes a navigable channel marked by ABP.

“Harbour Master” means the Harbour Master, Humber appointed by ABP under Section 5 (Appointment of Harbour Master) of the British Transport Docks Act 1972 and includes his authorised deputies and assistants.

“Humber Notice to Mariners” means a notice to mariners published by the Harbour Master.

“jetty” means any jetty, quay, pier, wharf or landing place.

“master” in relation to a vessel means the master or other person for the time being having or taking charge or command of the vessel.

“river craft” means a vessel used in navigating the Humber and not passing from the Humber to sea.

“small vessel” means a vessel of less than 12 metres in length.

¹“Sunk Dredged Channel” means the dredged channel in the Humber marked at the eastern entrance by light buoys Nos. 55 and 56 and at the western entrance by light buoy No. 63 (which light buoys are shown on Admiralty Chart No. 109).

²"VTS HUMBER" means Vessel Traffic Services, Humber (radio call-sign "VTS HUMBER"; operating frequency channel 12 VHF; telephone 01482-701787; telex 597656; facsimile 01482-795221).

- (2) Insofar as they are not inconsistent with the definitions contained in paragraph (1) of this Byelaw, words and expressions contained in these Byelaws shall have the meanings respectively assigned to them in the Collision Regulations.
- (3) In these Byelaws references to the numbers of Admiralty Charts, light buoys, VHF radio channels, telephones, telex and facsimile machines shall be deemed to have been amended by any alteration of which notice has been given in a Humber Notice to Mariners.

Saving for Dock Masters etc.

- 5. Nothing in these Byelaws shall be deemed to take away or affect any statutory rights of Dock Masters, Pier Masters, Harbour Masters, Marina Masters or Lockkeepers within the prescribed areas in which they exercise their respective statutory jurisdictions.

Saving for Collision Regulations

- 6. Nothing in these Byelaws shall affect the operation of the Collision Regulations or the duty upon the master of a vessel to comply therewith.

(The following notes do not form part of the Byelaws.)

¹ **Byelaw 4(1):** "Sunk Dredged Channel" : The light buoy numbers referred to in this definition have changed. Light Buoy Nos. 55 and 56 are now numbered P5 and S5 respectively and light buoy No. 63 is now known as Sunk Spit Light Buoy.

² **Byelaw 4(1):** "VTS HUMBER" : The operating frequencies and numbers referred to in this definition have changed as follows: The operating frequencies are now Channels 12 and 14 VHF; the telephone number is 01482 212191; the facsimile number is 01482 218773, and the telex number is 597222.

PART II GENERAL DUTIES OF MASTERS OF VESSELS

Vessel movements

- 7. (1) The master of a vessel, other than a river craft or a small vessel, shall give prior notice to VTS HUMBER of the vessel's arrival at, departure from or movement within the Humber.
- (2) The master of such a vessel shall report to VTS HUMBER when passing Reporting Points published in a Humber Notice to Mariners.

Master or other competent person to remain on bridge

- 8. The master of a power-driven vessel underway shall ensure that either himself or a member of the crew who is capable of taking command of the vessel and, when a pilot is on board, is capable of understanding the pilot's directions, is on the bridge or navigational control position of the vessel at all times.

VHF watch to be maintained

- 9. (1) In this Byelaw references to Areas (i), (ii) and (iii) are references to the areas respectively described in sub-paragraphs (i), (ii) and (iii) of the definition of "the Humber" in Byelaw 4(1) hereof.
- (2) ³ Subject to the provisions of paragraph (3) of this Byelaw, the master of a power-driven vessel underway shall maintain a continuous listening watch on the appropriate VHF channel for the area in which he is navigating as specified below:-

Area (i)	- Channel 14
Area (ii)	(downstream of Keadby Bridge) - Channel 8
Area (ii)	(upstream of Keadby Bridge) - Channel 6

Area (iii)

- Channel 12

(3) The master of a power-driven vessel who is using an operational radio channel for berthing purposes need not comply with the provisions of paragraph (2) of this Byelaw but shall maintain a dual listening watch on VHF Channel 16 (International Distress Frequency).

Drink, drugs or ill health

10. The master of a vessel shall not navigate the vessel when unfit by reason of drink or drugs or ill health to do so.

(The following notes do not form part of the Byelaws.)

³ **Byelaw 9(2):** The VHF channels referred to in this paragraph have changed. The channels are now as follows:

Area (i) - Channel 12

Area (ii) (Upstream and downstream of Keadby Bridge) - Channel 12

Area (iii) (Upstream of the meridian of longitude which passes through the No 4A (Clee Ness) Light Float in the Lower Humber) - Channel 12

Area (iii) (Downstream of the meridian of longitude which passes through the No 4A (Clee Ness) Light Float in the Lower Humber) - Channel 14

Manning of vessels

11. (1) Subject to the provisions of paragraph (2) of this Byelaw, the master of a vessel underway, other than a small vessel, shall have on board at least one other person to assist in the navigation thereof.

(2) This paragraph applies to a river craft which is propelled by another vessel to which it is connected;

(a) where one or more such river craft are so connected to the propelling vessel by means of one or more direct couplings, the said propelling vessel and river craft connected thereto shall be deemed to be a single vessel for the purpose of paragraph (1) above;

(b) where one or more such river craft are so connected to the propelling vessel by any means other than one or more direct couplings, each such river craft shall have on board at least one person to assist in the navigation thereof.

Vessels not to obstruct fairways

12. (1) The master of a vessel shall ensure that the vessel does not cross a fairway at such a time or in such a manner as to cause danger or inconvenience to vessels navigating that fairway.

(2) The master of a vessel which is not confined to a fairway by reason of its draught, shall not make use of that fairway in such a way as to impede the passage of any other vessel which is confined to that fairway by reason of its draught.

Notice to be given of incidents

13. (1) The master of a vessel which:-

(a) has been involved in a collision with any vessel, navigation mark, bridge, shore facility or other object or has been sunk or grounded (not being a vessel which

is berthed or moored) or become stranded; or

- (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
 - (c) in any manner constitutes or causes an obstruction to a fairway
- shall forthwith report the occurrence to VTS HUMBER.

(2) Where the damage to such a vessel is such as to affect or be likely to affect the seaworthiness of the vessel, the master shall not move the vessel, except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

(3) The master of a vessel which is connected to another vessel for the purpose of towing or manoeuvring the same shall give the notice required by paragraph (1) of this Byelaw in the event of such other vessel sinking or grounding or becoming stranded.

Navigation and speed of vessels

14. (1) The master of a vessel shall navigate the vessel with due care and caution and at a speed and in a manner which shall not endanger the safety of any person or any other vessel or cause damage thereto or to a floating navigational mark or mooring or other property.

(2) The master of a vessel shall reduce the speed of the vessel when passing any other vessel employed in dredging, diving, underwater work, removing a sunken vessel or other obstruction or working at any floating navigational mark or mooring.

(3) The master of a vessel shall ensure that the vessel does not exceed a speed of 5 knots when approaching and passing any jetty when any vessel is mooring, moored or unmooring at the jetty.

Vessels navigating against the tidal stream to give way.

15. (1) Subject to the provisions of paragraph (2) of this Byelaw, where a power-driven vessel is navigating against the tidal stream the master of the vessel shall, on approaching bends in the Humber or fairways or bridges, reduce speed or stop the vessel as necessary so as to allow any other vessel navigating with the tidal stream to pass clear of the vessel.

(2) The requirement contained in paragraph (1) of this Byelaw shall not apply to the master of a vessel which:-

- (a) is restricted in her ability to manoeuvre and is displaying the signals required by the Collision Regulations for such a vessel, or
- (b) is in a fairway and can safely navigate only within the fairway.

Humber Bridge

16. The master of a vessel with an air draught exceeding 30 metres shall not navigate under the Humber Bridge at Hessele without prior approval of the Harbour Master.

Hatches to be in place

17. The master of a vessel underway shall ensure that the hatches and covers of the vessel (if any) are in place and secured.

Sunk Dredged Channel reporting

18. (1) The master of a vessel entering the Humber from the sea and intending to navigate the vessel in the Sunk Dredged Channel shall, before passing Spurn Point, ascertain from VTS HUMBER that the said Channel is clear.

(2) The master of a vessel navigating in the opposite direction and intending to navigate the vessel in the Sunk

Dredged Channel shall, before passing No. 9A light buoy (shown on Admiralty Chart No. 109) ascertain from VTS HUMBER that the said Channel is clear.

Sunk Dredged Channel navigation

19. Except with the permission of the Harbour Master, the master of a vessel shall not navigate the vessel in the Sunk Dredged Channel in the opposite direction to a vessel already navigating the said Channel, or overtake any vessel navigating in the same direction.

Wire etc. not to be deposited

20. (1) The master of a vessel shall not throw or permit to be thrown or to fall into the Humber any unsecured wire or rope.

(2) If any such wire or rope should fall into the Humber and not be recovered at the time, the master of the vessel from which such wire or rope has fallen shall at the earliest opportunity give notice thereof to VTS HUMBER and take such subsequent action as the Harbour Master may direct to remove such wire or rope from the Humber.

Names of certain vessels to be clearly marked

21. The master of a vessel which is not registered under the Merchant Shipping Acts 1894 to 1988 shall ensure that the name of the vessel is permanently marked upon the vessel so as to be clearly visible from outside the vessel.

PART III LIGHTS AND SIGNALS

Lights to be exhibited by moored vessels

22. The master of a vessel moored alongside any jetty where river traffic passes, and not ready to leave, shall carry by night on the off side two white lights, one forward and one aft where they can best be seen by vessels proceeding up or down river provided that a vessel of less than 50 metres in length may show a single white light amidships.

Whistle signal when leaving

23. The master of a vessel when lying afloat alongside any jetty or other vessel or in a lock connected to the Humber and about to leave shall, when casting off, sound a prolonged blast on the whistle.

Turning signal

24. (1) The master of a power-driven vessel underway (including a tug with a tow) when about to turn round shall signify the same by giving four short and rapid blasts on the whistle, followed by a short interval, then one short blast if turning to starboard or two short blasts if turning to port and whilst turning shall repeat such signal to any vessel approaching from any direction

(2) The master of a vessel approaching a turning vessel from any direction shall take such action as may be necessary to avoid collision with the turning vessel.

PART IV MOORING AND MANAGEMENT OF VESSELS

Vessels to be securely moored

25. The master of vessel berthed or moored shall ensure that the vessel is securely made fast as close as is safe and practicable to the jetty.

Vessels breaking adrift

26. The master of a vessel which parts from its moorings shall as soon as practicable thereafter report the same to VTS HUMBER.

Vessels to be kept in moveable condition

27. (1) This Byelaw applies to vessels with the exception of river craft lying at a jetty under supervision from the shore and small vessels lying at recognised berths in havens or inlets.

(2) The master of a vessel to which this Byelaw applies shall ensure that the vessel is at all times kept in a moveable condition (except when aground in a berth) and shall maintain sufficient power and have sufficient persons on board to carry out the directions of the Harbour Master with reasonable dispatch.

(3) The master of such a vessel absenting himself from that vessel shall leave in charge a person competent to move the vessel and tend the moorings of the vessel as may be necessary or as the Harbour Master may direct.

Anchors

28. The master of a vessel, other than a small vessel, shall ensure that the vessel is equipped with one or more suitable anchors and that these are at all times available for immediate use, with the necessary means of retrieving the same in good working order.

Vessels not to be anchored in a fairway

29. (1) The master of a vessel shall not anchor the vessel in a fairway except in the case of an emergency.

(2) The master of a vessel anchoring the vessel in the case of an emergency in a fairway shall as soon as practicable

thereafter report the position of the vessel to VTS HUMBER and shall remove the vessel from the fairway as soon as it is practicable to do so.

Permission to anchor outside a designated anchorage area

30. The master of a vessel wishing to anchor the vessel for any reason outside an area designated by the Harbour Master as an anchorage area (notice of which designation is contained in a Humber Notice to Mariners) shall seek permission from VTS HUMBER, and when anchored with such permission shall as soon as practicable thereafter notify the position of the anchored vessel to VTS HUMBER and shall repeat such notification at hourly intervals.

Anchor and listening watch to be maintained

31. ⁴ The master of a vessel at anchor shall ensure that an anchor watch is maintained and in addition shall ensure that a listening watch is maintained on VHF Channel 12 (VTS HUMBER).

Loss on anchors, etc.

32. (1) The master of a vessel which has slipped, parted from or lost any anchor, chain, cable or propeller shall forthwith give to VTS HUMBER notice thereof and of the position of such anchor, chain, cable or propeller with such details thereof as the Harbour Master may require and if the Harbour Master so directs shall cause such anchor, chain, cable or propeller to be recovered as soon as practicable.

(2) The master of a vessel which has slipped or parted from her anchor shall mark the position of such anchor by means of a buoy if practicable.

(The following notes do not form part of the Byelaws.)

⁴ **Byelaw 31:** The VHF channel referred to in this byelaw has changed in relation to part of the Lower Humber. In the area of the Humber downstream of the meridian of longitude which passes through the No 4A (Clee Ness) Light Float in the Lower Humber, the VHF channel on which a listening watch is to be maintained under this byelaw is now Channel 14. In other parts of the Humber the relevant channel remains Channel 12.

PART V **CONDUCT OF PERSONS**

Facilities for inspection to be provided

33. (1) This Byelaw applies to vessels with the exception of Her Majesty's Warships and Royal Fleet Auxiliaries.
- (2) The master of a vessel to which this Byelaw applies shall, so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Persons not to obstruct Harbour Master

34. No person shall intentionally obstruct the Harbour Master or other servant or agent of ABP whilst in the execution of his duty.

Misuse of property

35. No person shall cover up, displace or remove any boundary stone, post, tideboard, tide gauge or other appliance lawfully set up by ABP.

Water ski-ing and aquaplaning

36. (1) A person shall not engage or take part in water ski-ing or aquaplaning, para-kiting or any similar airborne or waterborne activities in so much of the Rivers Ouse and Trent as is within the Humber without the written permission of the Harbour Master.
- (2) A person shall not engage or take part in water ski-ing or aquaplaning, para-kiting or any similar airborne or waterborne activities in the Humber below the confluence of the Rivers Ouse and Trent within any fairway unless that fairway is not being used by other vessels.

Launching of vessels

37. Except where otherwise agreed by the Harbour Master, before a vessel is launched from any yard adjoining the

Humber, the builder of the vessel shall give the Harbour Master at least 48 hours notice in writing of the day and hour at which the launch is to take place, and the builder shall ensure that sufficient vessels are on hand to recover any launching ways of debris introduced into the Humber as a result of the launch.

Notice of boat races, etc.

38. (1) Except where otherwise agreed by the Harbour Master, the organiser of any boat race, regatta, public procession or any other occasion when more than one vessel is expected to assemble on the Humber shall give not less than seven days' notice thereof in writing to the Harbour Master.
- (2) The master of a vessel navigating the vessel in or in connection with such an event shall comply with the directions of the Harbour Master.

Lights detrimental to navigation

39. A person placing or using on or near the Humber a light which is, in the opinion of the Harbour Master, calculated to mislead persons navigating on the Humber or to interfere with the safe navigation of vessels, shall comply with any written notice from the Harbour Master requiring him to screen, alter, extinguish or remove the light within a reasonable time specified in the notice.

PART VI PENALTY FOR CONTRAVENTION OF BYELAWS, RESPONSIBILITY AND DEFENCE

- 40. (1) Any person contravening any of these Byelaws shall be guilty of an offence and liable on summary conviction to a penalty not exceeding level 3 on the standard scale.
- (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 by virtue of this Byelaw whether or not proceedings 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 the 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 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

THE COMMON SEAL of
ASSOCIATED BRITISH PORTS
 was hereunto affixed in the
 presence of:-



G.M. CARPENTER
 Deputy Secretary



on the Eleventh day of May 1990

THE SECRETARY OF STATE

hereby confirms the foregoing
 Byelaws. Signed by authority
 of the Secretary of State

M.W. JACKSON

An Assistant Secretary in the
 Department of Transport

on the Sixth day of July 1990

