

CITY OF YORK

RIVERS OUSE AND FOSS NAVIGATION BYELAWS

RIVERS OUSE AND FOSS NAVIGATION BYE-LAWS

The Council of the City of York in pursuance of the powers contained in Section 140 of the York Corporation Act 1972 hereby make the following Bye-laws :

Citation and commencement

1. These Bye-laws may be cited as the 'Rivers Ouse and Foss Navigation Bye-laws' and shall come into operation at the expiration of one month after their confirmation by the Minister of Transport as from which date all existing Bye-laws applicable to the Navigation (other than those made under the Explosives Act 1875 and the Petroleum (Consolidation) Act 1928) shall cease to have effect without prejudice to the validity of anything done thereunder or to any liability incurred in respect of any act or omission before the date of coming into operation of these Bye-laws.

Division into parts

2. These Bye-laws are divided into parts as follows :

PART I	Preliminary
PART II	Interpretation
PART III	Requirements and Navigation of Vessels
PART IV	Lights and Signals
PART V	Groundings and Strandings
PART VI	Berthing and Mooring
PART VII	Locks
PART VIII	Public Wharves
PART IX	Tolls and Dues
PART X	Miscellaneous
PART XI	Fines

Application of Bye-laws

PART I – PRELIMINARY

3. Except as otherwise expressly provided these Bye-laws shall apply to that part of the River Ouse in the Counties of North Yorkshire and Humberside which lies between a point on that river two miles below Linton-on-Ouse and an imaginary (straight) line drawn across that river at a distance of one hundred yards (91.44 metres) below and parallel to the south side of the bridge known as 'Skelton' or 'Hook' Railway Bridge in the County of Humberside (such part being under the jurisdiction of the Council of the City of York acting as the Trustees of the River Ouse Navigation) and to the towpaths, piers, landing places and locks thereof and to that part of the River Foss in the City of York which lies between the junction of that river with the River Ouse and a point on the River Foss two hundred yards (182.88 metres) above the former workhouse of the Guardians of the Poor for the York Union (such part being under the jurisdiction of the Council of the City of York as the owners of the Foss Navigation) and to the towpaths, piers, landing places and locks thereof.

PART II – INTERPRETATION

4. In these Bye-laws except where the context otherwise requires :

'authorised officer' means any officer employee or agent of the Trustees acting in the execution of his duty upon or in connection with the Navigation

'by day' means the period between sunrise and sunset

‘dumb craft’ shall include vessels used only in river or canal navigation which are not propelled by mechanical power or by sails and sailing vessels with their masts down

‘fairway’ means a navigable channel which is a regular course or track of shipping

‘master’ means the person for the time being in command, charge or management of the vessel

‘the navigation’ means those parts of the Rivers Ouse and Foss as are described in Bye-law 3

‘by night’ means the period between sunset and sunrise

‘pleasure boat’ includes any ship launch houseboat boat randan wherry skiff dinghy shallop punt canoe yacht or ferry boat however navigated not being used solely as a tug or for the carriage of goods and not being certified by the Department of Trade as a passenger steamer to carry two hundred or more passengers

‘power driven vessel’ means any vessel propelled by machinery

‘prolonged blast’ means a blast from four to six seconds’ duration

‘short blast’ means a blast of about one second’s duration

‘sluice’ means any clough valve paddle penstock or any other devise used for controlling the passage of water through or over any weirs dams lock gates the wall of locks or through the banks of the river or any works connected therewith

‘The Trustees’ means the Council of the City of York

‘underway’ means that a vessel is not at anchor or moored to a buoy or made fast to the shore, or aground

‘vessel’ includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water

‘whistle’ means any sound signalling appliance capable of producing the prescribed short and prolonged blasts

Responsibility of
Master and Owner

PART III REQUIREMENTS AND NAVIGATION OF VESSELS

5. The master of every vessel and owner thereof shall severally be responsible for the due performance of such of the following Bye-laws as shall apply to such vessel or the master or owner thereof.

Regulations for
Preventing Collisions
at sea

6. The Regulations for Preventing Collisions at Sea made by Orders in Council in pursuance of Section 418 of the Merchant Shipping Act 1894 shall apply to the Navigation and to vessels navigating or being therein except where they are in conflict with these Bye-laws.

Care and caution in
navigating

7. Every vessel shall be navigated with care and caution and at a speed and in a manner which shall not involve risk of collision by causing a swell or endanger the lives of or cause injury to persons or endanger the safety of other vessels, moorings, river banks, bridges, locks or

other property.

- Vessels navigating against the stream 8. A power-driven vessel navigating against the stream shall reduce speed and if necessary stop to allow vessels going with the stream to pass clear.
- Vessels approaching bridges 9. Every vessel approaching a bridge whilst proceeding against the stream shall reduce speed and if necessary stop on sighting another vessel approaching the bridge with the stream and shall allow such other vessel to pass through the bridge and then shall not proceed until it is safe to do so.
- Obstruction to other vessels 10. Except in cases of emergency, no vessel shall be allowed to remain in any part of the Navigation so as to cause obstruction to other vessels.
- Vessels not to race etc 11. Vessels propelled otherwise than by handpower or under sail shall not race or attempt to race against any other vessel. No vessel shall cross the Navigation except when the Navigation in the vicinity of the vessel is clear and only in such a manner as not to impede other vessels using the Navigation.
- Precedence on fairway 12. (a) A vessel not propelled by power when meeting, overtaking or being overtaken by a power-driven vessel shall so far as it is safe and practicable keep out of the fairway.

(b) A vessel when meeting, overtaking or being overtaken by a vessel of deeper draught shall so far as it is safe and practicable give the fairway to that vessel.
- Speed limits 13. Unless authorised in writing by the Trustees a vessel shall not except in an emergency or where necessary in order to retain control proceed at any greater speed than (a) 5 knots over ground within the City of York or (b) 6 knots over the ground above the City and between Naburn Locks and the City, and between a point 1500 metres upstream of the upstream side of Selby Toll Bridge and a point 1500 metres downstream of the upstream side of Selby Toll Bridge such distances of 1500 metres being measured along the centre line of the Navigation; or (c) with the exception of the length hereinbefore mentioned, 10 knots over the ground downstream below Naburn Locks.
- Selby Toll Bridge 14. (a) No master of a vessel exceeding 9.50 metres in extreme breadth shall pass Selby Toll Bridge except with the consent in writing on the Trustee

(b) Subject to the provisions of paragraph (a) of this bye-law no master of a vessel shall pass Selby Toll Bridge except

(i) at slack water or against the stream

or (ii) going astern with the stream

(c) Notwithstanding the provisions of paragraph (b) of this bye-law no master of a vessel exceeding 50 metres in length or 8.75 metres in extreme breadth shall pass Selby Toll Bridge going astern with the stream except with the consent of the Trustees, which shall be obtained by the master of a vessel exceeding 9.50 metres in extreme breadth in addition to that required under paragraph (a) of this bye-law.

Goole Swing Railway Bridge	15.	No vessel having a net registered tonnage in excess of 20 tons shall pass through Goole Swing Railway Bridge outside the fairways.
Intoxicated Persons	16.	No person shall take or remain in charge of a vessel while under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.
Master of Vessel to report damage etc.	17.	The master of any vessel involved in a collision with any other vessel or property which causes damage shall forthwith report in writing to the Trustees the full circumstances of the collision, and the name and address of the owner of every vessel involved, if known.
Vessels to be fit for Navigation	18.	Every vessel brought to, used or left in the Navigation shall be in every respect fit for navigation thereon.
Manning of vessels	19.	<p>(a) Every vessel (except dumb craft) while underway shall have on board a competent master together with a sufficient number of able bodied and experienced persons as may be required to ensure the safe navigation of the vessel.</p> <p>(b) Every dumb craft (except rowing boats and canoes) shall when underway have on board at least one person competent for navigation thereof and every such craft exceeding 50 tons laden weight shall when underway have on board at least one additional person to assist in the navigation thereof. Provided that where such craft is in tow of a power-driven vessel or is being moved between any vessels or places a distance not exceeding 185 metres, one competent person or such vessel shall be sufficient.</p>
Provision of mooring ropes etc	20.	Every vessel (except rowing boats and canoes) shall be provided with proper mooring and check ropes, together with fenders of suitable material in a good condition. The master of such vessel shall use such fenders whenever there is a risk of the vessel striking against another vessel or against any lock wall gate, bridge or other object.
Storage of equipment	21.	Every vessel except those engaged in maintenance work shall have her cargo or gear and equipment stowed so that nothing except for the necessary fenders and spars shall project over the sides thereof. All cargo, goods and equipment shall be secured so that no part thereof can be washed or otherwise fall into the Navigation.
Boat Races Regattas	22.	<p>(a) The organiser of any boat race regatta public procession or any other similar occasion when a number of vessels is expected to assemble in the Navigation shall give not less than 28 days' notice thereof to the Trustees. All regattas boat races public processions or similar events shall be conducted on courses and at times previously approved by the Trustees. The Trustees may cancel or alter any conditions of such approval on giving where reasonably practicable notice to the organiser at least fourteen days before the proposed date of the event.</p> <p>(b) Except in the case of an emergency or where necessary in order to comply with the requirements of these Bye-laws the master of a vessel shall not on the occasion of any boat race regatta public procession or similar event approved by the Trustees under paragraph (a) of this Bye-law wilfully cause or permit that vessel to obstruct impede or otherwise interfere with any such boat race regatta public procession or similar event.</p>

PART IV – LIGHTS AND SIGNALS

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| Vessels marking wrecks | 23. | The position of a wreck or any other obstruction should be marked in accordance with the IALA Buoyage System A. |
| Vessels approaching bridgeways | 24. | Every power-driven vessel when approaching a moveable bridgeway and requiring the bridgeway to be opened shall sound on its whistle one prolonged blast followed by a signal of at least six short and rapid blasts |
| Vessels approaching Locks | 25. | A power-driven vessel on approaching a lock operated by the Trustees and requiring the lock to be opened shall sound a signal of one prolonged blast every 20 seconds. |
| Vessels approaching dredgers | 26. | Every power-driven vessel when approaching a dredger working in and obstructing the fairway shall sound one prolonged blast. When it is safe for passage to be made through the channel the dredger shall sound one short blast followed by one prolonged blast, followed by one short blast. |

PART V – GROUNDINGS AND STRANDINGS

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| Master of vessels to report strandings etc | 27. | <p>(a) The master of any vessel which is stranded, grounded or has sunk shall without delay inform the Trustees thereof and as soon as possible report in writing to the Trustees the full circumstances of such stranding, grounding or sinking.</p> <p>(b) When a vessel has been stranded, grounded or sunk the Master and Owner shall forthwith use every possible means to remove or raise her as the case may be.</p> <p>(c) When a vessel has been stranded, grounded or sunk or is so placed as to obstruct the Navigation no person shall impede authorised officers of the Trustees in removing or raising her provided that the provisions of this paragraph shall not apply to a Master or Owner in complying with the provisions of paragraph (b) of this Bye-law.</p> |
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PART VI – BERTHING AND MOORING

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| Vessels to be secured etc | 28. | A vessel at anchor or lying at any quay, wharf, staith, pier, jetty, landing, mooring or river bank shall at all times be kept properly and effectually secured and made fast. |
| Safe access to and from berthed vessels | 29. | The master of any vessel which is berthed at a quay, wharf, staith, pier, jetty, landing, mooring or river bank shall ensure where necessary that satisfactory means are provided for safe access to and from the vessel. |
| Vessels not to moor without permission | 30. | <p>(a) Except in case of emergency no vessel shall moor or remain moored along side any quay, wharf, staith, pier, jetty, landing or river bank without the permission of the person for the time being in charge of such quay, wharf, staith, pier, jetty, landing or river bank.</p> <p>(b) A vessel not loading or discharging a cargo shall not be left moored or anchored in any part of the river other than at a private wharf or private landing except with the consent of the Trustees, provided that and without prejudice to the provisions of paragraph (c) of this Bye-law the consent of the Trustees need not be obtained to moor at any public mooring or landing.</p> <p>(c) No pleasure boat shall remain at any public mooring or landing for a</p> |

period exceeding 48 hours without the consent of the Trustees.

(d) No pleasure boat shall moor at public moorings or landings within the City of York for longer than 48 hours in any period of seven days (beginning with the time at which the pleasure boat first moored at any such mooring or landing within the City) without the consent of the Trustees. Periods of waiting by a pleasure boat at more than one public mooring or landing within the City shall be aggregated together for the purposes of this paragraph.

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| Vessels to be properly moored. | 31. | A person using a vessel, on arriving at a mooring place, shall moor the vessel in such a position and in such a manner as (a) to prevent any risk of injury to any other vessel or its mooring and (b) to cause no obstruction to the safe and convenient access to another vessel, or to the safe and convenient embarkation or disembarkation therefrom. |
| Mooring in Haburn Cut | 32. | Any vessel which in case of emergency has to moor temporarily in Naburn Cut shall not moor alongside any dredger or hopper or any other vessel belonging to the Trustees. |
| Buoying of anchors Below Naburn Locks | 33. | Every vessel at anchor below Naburn Locks shall have its anchor buoyed. |
| Moorings not to be cut etc. | 34. | No person shall cut any mooring line or unmoor or cut adrift any vessel. |
| Mooring to fences etc | 35. | Except in an emergency no person shall moor or fasten a vessel to any fence, tree, bridge, lock, drain, dam, weir, clough or any other works not specifically provided for mooring or fastening vessels. |

PART VII – LOCKS

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| Penning through locks | 36. | No vessel shall be penned through any lock owned or operated by the Trustees except by or with the consent of an authorised officer of the Trustees. |
| Entering locks etc | 37. | The master of a vessel shall not enter or attempt to enter leave or remain in a lock except with the consent of an authorised officer of the Trustees and in accordance with the conditions of such consent. |
| Prohibitions in relation to locks | 38. | No person shall

(a) Use any fender shod with iron or other metal against the lock gates or other works in the Navigation.

(b) Interfere with any lock gate, lock clough, sluice, bywash or dam.

(c) Moor a vessel in or within 45 metres of any lock or bridgeway without the consent of the Trustees.

(d) Place a vessel so as to obstruct the passage of any other vessel into or out of any lock or enter any lock out of turn.

(e) Suffer a vessel to remain at the mouth of any basin, bridgeway, lock, drain, cut or dock longer than is necessary by passing.

(f) Navigate a vessel into or out of a lock before the relevant lock gates are open to their full extent. |

PART VIII – PUBLIC WHARVES

- Unmanned vessels to display master's name address and telephone number 39. A vessel left moored or anchored at any public wharf, staith, river walk, pier, jetty, landing or mooring with or without the consent of the Trustees and left unmanned must have displayed in a conspicuous position the master's name and address and if available telephone number at which he may be contacted.
- Restrictions on Cranes etc 40. No person shall operate a crane or other lifting tackle to raise a load in excess of 3 tons over any wharf or river walk maintained by the Trustees without the consent of the Trustees.
- Prohibition on deposit on deposit of sand, bricks etc 41. A person shall not deposit any sand, bricks, timber or goods of any description at any public wharf, staith, river walk, pier, jetty or landing contrary to the direction of any authorised officer of the Trustees or neglect to move the same when requested to do so by an authorised officer of the Trustees.

PART IX – TOLLS AND DUES

- Master to provide information as to cargo 42. The master and owner of a vessel shall on receipt of a demand from an authorised officer of the Trustees either orally or in writing declare to such authorised officer in writing the weight and full description of the goods and merchandise on board the same.
- Master of the vessel to give name and address etc 43. The master of a vessel shall, on receipt of a demand from an authorised officer of the Trustees either orally or in writing declare to such authorised officer in writing his full name and address and the full name and address of the owner of that vessel.
- Master to allow cargo to be inspected etc 44. The master of a vessel shall permit any authorised officer of the Trustees to inspect any cargo in that vessel in order to ascertain the correct tolls and dues chargeable in respect thereof and shall if such authorised officer demands produce to and permit such authorised officer to inspect the cargo manifest.

PART X – MISCELLANEOUS

- General Prohibitions 45. No person shall :
- (a) rake or scoop any part of the Navigation without the Trustees' consent; except where carried out for land drainage purposes;
 - (b) except in case of emergency remove any life saving appliances belonging to the Trustees;
 - (c) throw any animal, dirt, sand cinders, ashes, stones, rubbish ballast, sludge, slack, roots or other matter whatever into the Navigation or any waters connected thereto; except where carried out for land drainage purposes by a statutory land drainage authority;
 - (d) wilfully obstruct any authorised officer of the Trustees in the execution of his duty;
 - (e) unless authorised by the Trustees operate or interfere with any lock gate, sluice, bridge or any other work connected with affecting or forming any part of the Navigation;
 - (f) alter with intent to deceive any permit or receipt issued by the Trustees;

- (g) leave or place upon any public wharf, staith, river walk, pier, jetty or landing place or upon any towpath or lock any vehicle or crane
 - (i) so as to cause an obstruction or hindrance to the Trustees or any persons using the Navigation, or
 - (ii) otherwise than in accordance with any reasonable direction of any authorised office of the Trustees, or
 - (iii) at a place where the leaving of vehicles is by a conspicuous notice erected thereat expressly prohibited;
 - (h) refuse to give his correct name and address when requested to do so by an authorised officer of the Trustees;
 - (i) undertake diving or similar underwater activities without :-
 - (i) the consent in writing of the Trustees, and
 - (ii) taking precautions so as to avoid causing any nuisance or interference to the safe movement of vessels;
 - (j) swim in the Navigation so as to cause any nuisance or interference to the safe movement of vessels;
- Water ski-ing and Aqua-planing
46. (a) No person or persons shall engage or take part in water ski-ing or aqua-planing except with the permission of the Trustees and only in such lengths of the Navigation as they may designate and in accordance with such reasonable conditions as the Trustees may impose
- (b) A vessel towing a person water ski-ing shall have on board a lifebuoy or other sufficient form of life preserver and two persons able to take charge of the vessel and to give such assistance as may be reasonably required during the towing.

PART XI – FINES

- Fines
47. Every person who shall offend against any of the aforementioned Bye-laws shall be liable for every such offence to a penalty not exceeding £20. In any proceedings for an offence under these Bye-laws it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Dated the 11th day of September 1979