

## MIDDLE LEVEL COMMISSIONERS

### Byelaws for the Regulation Management and Improvement of the Navigable Waterways of the Middle Level and of the Navigation thereof, for the Regulation and Licensing of Vessels thereon and for other purposes

The MIDDLE LEVEL COMMISSIONERS under and by virtue of the powers and authority vested in them by the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and of all other powers them enabling hereby make the following Byelaws.

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## 1. Citation and Commencement

- (i) These Byelaws are made under article 11 of the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and may be cited as "The Middle Level Commissioners (Navigation etc) Byelaws 200 " and (subject to paragraph (ii) of this Byelaw) shall come into operation 28 days after the date on which they are confirmed
- (ii) Notwithstanding paragraph (i) of this Byelaw the following Byelaws ie Byelaws 14 and 32 shall come into operation on such date or dates as the Commissioners may direct being not earlier than two years from the date on which these Byelaws are confirmed
- (iii) The Byelaws made by the Commissioners on the 3rd May 1875 are hereby revoked

## 2. Interpretation and Application

- (i) In these Byelaws, unless the context or subject otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

### Definitions

"authorised officer"	means any person authorised in writing by the Commissioners to carry out the functions of the Commissioners under the provisions of these Byelaws.
"Commissioners"	means the Middle Level Commissioners.
"consent of the Commissioners"	means the prior written consent of the Commissioners signed by the Chief Executive for the time being of the Commissioners or other duly authorised person.
"flammable liquid"	includes petroleum spirit, diesel oil, paraffin or liquified petroleum gas or any other liquid fuel contained in a bottle or other receptacle.
"houseboat"	means a vessel which is decked or otherwise structurally covered in and which is used not as a means of transport but as a place of habitation (whether by day and by night or the one or the other) or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment or of witnessing regattas or other events or as club premises or as an office or as a kitchen, pantry or store place or as commercial or industrial premises.
"liquid fuel"	includes any inflammable hydrocarbon (either alone or in admixture with any other liquid) which is capable of providing the necessary motive power for a vessel and also any other liquid capable as aforesaid which, when tested in the manner set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act 1928, gives off an

inflammable vapour at a temperature of less than 201 degrees Fahrenheit (93.7 degrees Centigrade).

"local authority" includes any highway authority in which is vested any bridge over a Navigation Waterway.

"master" means the person taking or having (whether lawfully or not) for the time being the command, charge or management of a vessel.

“navigate” means direct the course of movement of.

"Navigation Lights" shall mean in respect of any vessel:-

(i) a white light placed over the fore and aft centre line of the vessel, showing an unbroken light over an arc of the horizon of 22.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side and

(ii) on the starboard or right side, a green light showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on the starboard or right side and

(iii) on the port or left side, a red light showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on the port or left side and

(iv) on, or as nearly as practicable on, the stern, a white light showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel

and every such light as specified in (i)-(iv) above shall have an intensity sufficient to be visible at a minimum range of one half of a nautical mile.

"Navigation Waterways" means the waterways in respect of which the Commissioners are the navigation authority and which are listed in the First Schedule to the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and includes all Water Control Structures in, on or on the banks of such waterways and any lake, pit, pond, marina or other substantially enclosed water adjacent to such waterways and from which any vessel may be navigated (whether or not through a lock or other similar work) into the waterways.

"night" means the period between sunset and sunrise

"person" includes a body corporate.

"polluting matter"	means sewage or any other offensive or injurious matter whether solid or liquid.
"power driven vessel"	means a vessel being propelled by machinery and excludes vessels powered by sail or by oar.
"recognised competent person"	means a person recognized by the Commissioners as having such practical and theoretical knowledge and actual experience of the type of vessel apparatus or equipment which he has to examine as will enable him to detect defects or weaknesses which it is the purpose of the examination to discover and to assess their importance in relation to the safety and functioning of the vessel.
"registration certificate"	means a certificate of registration of a vessel issued in accordance with these Byelaws and includes the renewal of any such certificate.
"registered vessel"	means a vessel registered with the Commissioners under these Byelaws or which shall be deemed to be registered with the Commissioners by virtue of arrangements made under the provisions of Article 5 (Arrangements with Other Authorities) of the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and the terms "register" and "registration" shall be construed accordingly.
"restricted visibility"	means any condition in which visibility is impaired by fog, mist, falling snow, heavy rainstorms, sandstorms, smoke or any other similar causes.
"sailing vessel"	means a vessel under sail provided that propelling machinery, if fitted, is not being used.
"sanitary appliance"	means any water closet, sea toilet, lavatory, bucket, device or apparatus for the reception of polluting matter.
"sewage"	means human body waste and the waste from toilets intended to receive or treat human body waste.
"speed"	means speed measured over the bed of a Navigation Waterway.
"tow"	includes any vessel being propelled by another and "towed" and "towing" shall be construed accordingly.
"underway"	means not at anchor, moored, made fast to the shore or aground.
"unpowered vessel"	means any vessel which is not a power driven vessel.
"use"	in relation to a vessel on a Navigation Waterway, includes launching a vessel onto a Navigation Waterway, keeping or

mooring a vessel on a Navigation Waterway, navigating a vessel on a Navigation Waterway and letting a vessel for hire on a Navigation Waterway.

"vehicle"

means anything on wheels, runners or articulated tracks.

"vessel"

includes any ship, boat, lighter, raft, float, float of timber or craft whatsoever however propelled or navigated and (without prejudice to the generality of the foregoing) includes also any amphibious craft.

"Water Control Structure"

means any sluice, slacker, floodgate, lock, weir, dam, pump, pumping machinery, pipe, culvert or other structure or appliance for introducing water into or removing water from a Navigation Waterway or for controlling regulating or affecting the level of the water or the flow of water in into or out of a Navigation Waterway and any aqueduct.

and references in these Byelaws to numbered Byelaws are to the appropriately numbered Byelaws in these Byelaws.

- (ii) Subject as is in these Byelaws otherwise expressly provided these Byelaws shall apply to the Navigation Waterways.
- (iii) These Byelaws shall not apply to the Commissioners or to any person authorised by them acting in the course of his duties.

### 3. Person in charge of a vessel

- (i) Every vessel used on a Navigation Waterway shall be deemed to be in the charge of one person who shall be in every case the owner of such vessel or in the absence of such owner the person duly appointed or permitted by him to be in charge or the person hiring such vessel and in the absence of any such person then any person being the master of such vessel.
- (ii) The Commissioners may serve on the owner of a registered vessel or of a vessel which although not registered is required to be registered under the provisions of these Byelaws a notice requiring that owner to state in writing within such period (not being less than 14 days) as may be stated in the notice, the name and address of any person (not being such owner) known to him as being the master of that vessel on a particular date or dates.
- (iii) A person shall be guilty of an offence under this Byelaw if where a notice is served on him in pursuance of paragraph (ii) above he:-
  - a) fails without reasonable excuse to comply with the notice or
  - b) in pursuance of the notice makes any statement in respect of the information required which he knows to be false in a material particular or recklessly makes any statement in respect of that information which is false in a material particular.

### 4. Person in charge of a Vessel to be responsible for order

Every person for the time being in charge of a vessel on a Navigation Waterway shall be responsible for the conduct of all persons on board such vessel and upon proof that an offence under these Byelaws has been committed by any person on board such vessel on a Navigation Waterway and that the person in charge has refused to give the name and address of the offender (not being such person in charge) or by his own negligence or default has been unable to give such information the person in charge shall be guilty of an offence.

## 5. Registration

- (i) Except as is otherwise provided in these Byelaws or by virtue of arrangements made under Article 5 (Arrangements with Other Authorities) of the Middle Level (Navigation and Miscellaneous Provisions) Order 200 no person shall use or permit to be used a vessel on any Navigation Waterway unless it is registered with the Commissioners and the registration certificate issued in respect thereof is in force Provided that it shall not be an offence under this Byelaw for a person to carry out a testing, trial or demonstration of a vessel for which a registration certificate has not been issued if he has obtained the consent of the Commissioners for such a trial, testing or demonstration to take place.
- (ii) Registration of a vessel by the Commissioners for any year ending on the 31st of March (or any part of such a year for which registration may be permitted by the Commissioners) and any renewal of the registration thereof shall be effected on payment to the Commissioners of the charges payable in respect of the vessel and the delivery to the Commissioners of such particulars relating to such vessel (including the name and address of the owner thereof and the information required to be provided by Byelaw 7(ii)) as the Commissioners may reasonably require and:-
  - (a) the assignment to such vessel of a registration number or the authorisation of the use thereon of a crest, badge or device (with or without such registration number).
  - (b) the entry in a Register to be maintained by the Commissioners for the purpose, of the particulars of the vessel, the registration number assigned thereto or the crest, badge or device authorised therefor and the name and address of the owner thereof.
  - (c) the granting to the owner of such vessel of a registration certificate relating thereto or to such a number of vessels as may be registered by him and bearing the registration number or numbers assigned to such vessel or vessels or describing the crest, badge or device relating thereto.
- (iii) The owner of a registered vessel shall cause the registration certificate then in force to be affixed to the vessel in some prominent place and to be protected by a waterproof container and shall also cause the registration number or the crest, badge or device authorised therefor to be written or displayed on the vessel above the water line in a prominent position and it shall be of a size such that it is clearly legible at a distance of 10 metres and visible from both sides of the vessel.
- (iv) The master of a vessel shall, on being so required by an authorised officer (producing evidence of his authority) then and there produce the registration certificate relating to that vessel to that officer Provided that it shall not be an offence under this paragraph of this Byelaw if within 14 days of that requirement a registration certificate in force at the

time of that requirement is produced at the office of the Commissioners. For the purposes of this paragraph of this Byelaw "produced" shall include the forwarding of the said certificate to the office of the Commissioners by post provided that the said certificate is actually received by the Commissioners within the said period of 14 days.

- (v) Upon every transfer of the ownership of:
  - (a) a vessel registered with the Commissioners (other than a vessel that is deemed to be so registered pursuant to arrangements made under Article 5 (Arrangements with Other Authorities) of the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 , or
  - (b) a vessel which has not been registered but in respect of which registration is required under these Byelaws,

the person transferring the ownership of that vessel shall within 14 days thereof give notice of such transfer to the Commissioners.

- (vi) The Commissioners may in their absolute discretion grant exemptions from this Byelaw in respect of any sailing or manually propelled vessel.

## 6. Refusal and Revocation

The Commissioners shall register or renew the registration of any vessel in respect of which an application for registration or the renewal thereof accompanied by the tender of the appropriate charges has been made provided that that vessel complies with the requirements of Byelaw 7 provided further that the Commissioners may refuse to register or renew the registration or may revoke the registration of any vessel unless that vessel complies with the requirements contained in Byelaw 7.

## 7. Safety Requirements

- (i) Every vessel used on a Navigation Waterway shall be constructed and equipped in accordance with such reasonable specification or specifications in that behalf as may from time to time be prescribed by the Commissioners.
- (ii) Upon application being made to the Commissioners for the registration of a vessel pursuant to Byelaw 5 and in respect of which class of vessel a specification under these Byelaws has been duly prescribed and is for the time being in force, the applicant shall certify that he has read the Commissioners' current specification as to the construction and equipment of such class of vessels under these Byelaws and that the vessel complies in every respect with such specification and shall provide such information to the Commissioners in respect of the construction, equipment and compliance with the specification of that vessel as may be reasonably required by the Commissioners.
- (iii) The Commissioners may at any time and from time to time for the purpose of ensuring that a vessel complies with the requirements of this Byelaw require the owner of such vessel to obtain a certificate confirming such compliance from a recognised competent person and to produce the said certificate at the office of the Commissioners within such reasonable period as may be specified by the Commissioners.

- (iv) For the avoidance of doubt and without prejudice to the generality of the foregoing provisions of this Byelaw, the provisions of this Byelaw shall extend and apply to any vessel carrying fuel or fitted with cooking, heating, refrigerating or lighting appliances and to any engines used or installed (whether permanently or temporarily) on or in any vessel for the purpose of generating electricity or for any other purpose.
- (v) Without prejudice to the generality of the foregoing provisions of this Byelaw the master of a vessel on a Navigation Waterway shall ensure that any flammable liquid taken on or carried on such vessel shall be loaded, stowed and used in such a manner as not to be or to be likely to become a danger to persons or property and that adequate equipment and materials for fighting fires are available at all times.

## 8. Inspection of Vessels

- (i) The owner of any vessel used on a Navigation Waterway shall, upon being required so to do by notice served on him by the Commissioners, give to any recognised competent person reasonable facilities for the inspection of the said vessel by the recognised competent person in order that it may be ascertained whether the construction and equipment of the said vessel is in accordance with the provisions of Byelaw 7 and if upon any such inspection a vessel be found in the opinion of the recognised competent person making the inspection not to comply with the provisions of Byelaw 7 it shall be lawful for the Commissioners to cancel or suspend any registration certificate issued in respect of the said vessel or to refuse to issue a registration certificate in respect of the said vessel until such time as the said vessel be found and certified by a recognised competent person to comply with the said provisions of Byelaw 7.
- (ii) On the occasion of the said inspection being made the owner of the vessel shall cause the whole installation on the vessel to be made available for inspection in working order.

## 9. Appeals

Any dispute arising from:

- a) any refusal or revocation by the Commissioners of a registration under Byelaw 6 or
- b) any cancellation or suspension of any registration certificate or refusal to issue such a certificate under Byelaw 8(i)

on the grounds that the vessel does not comply with the requirements of Byelaw 7 shall, on the application in writing to the Commissioners within 28 days of such refusal revocation cancellation or suspension by the owner of the vessel, be referred for determination to an arbitrator to be agreed by the applicant and the Commissioners or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the decision of such arbitrator shall be final and binding upon the parties.

## 10. Condition of Hired Vessels

The owner of a vessel for hire shall not allow any person to embark in the vessel for the purpose of being carried therein or using the vessel for hire unless the vessel complies with the requirements of Byelaw 7.

## 11. Overloading

The owner or master of a vessel shall not permit the loading of that vessel to exceed the loading limits (whether expressed by weight or numbers of persons) for which that vessel was designed or is constructed, taking into account any subsequent modification to that vessel, nor shall he permit that load to be distributed in or on the vessel in such a way as injuriously to affect the vessel's stability or manoeuvrability. Provided that not more than one of such owner or master shall be punished in respect of the same offence.

## 12. Navigation

- (i) Subject as is otherwise in these Byelaws expressly provided no person shall use or attempt to use a vessel on a Navigation Waterway
  - (a) without due care and attention or without at all times keeping a proper look out.
  - (b) (without prejudice to the provisions of Byelaw 16) at such a speed or in such a manner so as to endanger the lives of or cause injury to persons or endanger the safety of or cause damage to other vessels or any moorings or to the banks of a Navigation Waterway or to other property.
  - (c) without reasonable consideration for other persons exercising their rights on the Navigation Waterway or its banks or enjoying the facilities thereof or so as to cause unreasonable disturbance to any person.
  - (d) contrary to any reasonable directions given by an authorised officer relating to the use of such vessel on a Navigation Waterway.
  - (e) in contravention of any restriction on or prohibition or regulation of the use of a Navigation Waterway imposed under or made pursuant to these Byelaws or the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 .
- (ii) No person shall navigate or attempt to navigate or be in charge of a vessel in the course of navigation on a Navigation Waterway while under the influence of alcohol or drugs to such an extent that his ability to have proper control of such vessel may be impaired.
- (iii) (a) No person under the age of 14 years shall navigate or be in control of any power driven vessel and no person under the age of 16 years shall navigate or be in control of a vessel with an engine capacity exceeding 4hp unless in either case
  - (i) such person shall at such time be kept under the proper and competent supervision of a person who is in the vessel and who has reached the age of 18 years and
  - (ii) the person who is providing such supervision remains at all times close to the helm so as to be able to take the helm in the event of necessity and
  - (iii) the person who is providing such supervision maintains at all times a proper navigation watch.

- (b) A person providing supervision as required by this sub paragraph of this Byelaw shall be deemed to be the master of the vessel for the purposes of these Byelaws.
- (c) No person shall cause or knowingly permit another person to navigate or be in control of a power driven vessel in contravention of the foregoing provisions of this part of this Byelaw.
- (iv) The master of a vessel intending to navigate that vessel under or through any bridge, lock or similar structure shall take all necessary steps to ensure that his vessel can do so without damaging the bridge, lock or structure.
- (v) The master of a vessel approaching or being near to a place where any works of maintenance or improvement or the construction of any new works is or are being carried out either by the Commissioners or by any other authority, body or person having power so to do, in, over, on, under or to a Navigation Waterway or its banks or any Water Control Structure shall ensure that his vessel is navigated at such speed and in such manner so as not to imperil the safety of any person or to cause any damage or injury to any plant or equipment employed in such works or to the works themselves.
- (vi) The master of a vessel shall ensure that proper and effective fenders are used whenever there is a risk of the vessel striking against any other vessel or against any Water Control Structure, wall or other thing.
- (vii) The master of a vessel shall ensure that any goods, apparatus or equipment on the vessel are stowed so that nothing except necessary fenders and spars projects over the sides of the vessel so as to be able to damage any other vessel or any Water Control Structure or any works, property or thing or to injure any person and are secured so that no part of them can be washed or can fall overboard.

Provided that this sub paragraph shall not apply to any vessel whilst engaged in any lawful works of maintenance or improvement or the lawful undertaking of new works in, on, over, under or to a Navigation Waterway, a structure in or over such Waterway or in or over its banks.

### 13. Conduct of Vessels

- (i) Where two vessels are proceeding towards one another the master of each vessel shall steer his vessel to its starboard (right) side in such a manner that the vessels pass freely with the port (left) side of each vessel nearest to the port side of the other vessel.
- (ii) In a narrow channel the master of the smaller of two vessels shall ensure that his vessel shall not hamper the safe passage of another vessel which, by reason of its size and draught, is confined to the centre of the navigable channel.
- (iii) The master of a vessel overtaking any other vessel shall keep his vessel well clear of the vessel being overtaken.

### 14. Navigation at Night or in Restricted Visibility

The master of a vessel which is underway at night or in restricted visibility shall ensure that it shows either Navigation Lights or a single white light when it is in the vicinity of another moving vessel.

15. Lights not to Endanger Navigation

No person shall knowingly or recklessly place or use on or near a Navigation Waterway or on or near its banks any light which is likely to mislead persons navigating that Waterway or to endanger the safe navigation of vessels on that Waterway.

16. Speed Limits

- (i) Except when it is necessary for safe navigation in an emergency no person shall navigate a vessel over the Navigation Waterways, or such parts thereof as are specified in the following table, at a speed exceeding 4 nautical miles per hour or over any Navigation Waterway or part thereof not so specified in the said table, at a speed exceeding 5 nautical miles per hour.

Table

Navigation Waterway or parts thereof

- a) Kings Dyke - between Stanground Lock and Ashline Lock
- b) Whittlesey Dyke - between Ashline Lock and Turningtree Bridge
- c) Well Creek - between Marmont Priory Lock and Salters Lode Lock
- d) Old River Nene (March Town) between grid references TL45189709 (Fox Marina) and TL42689735 (March Railway Bridge)
- e) Old River Nene between Whittlesey Road Bridge (NGR TL342907) and Halfpenny Toll (NGR TL330912)
- f) New Dyke between Charterhouse Farm (NGR TL223871) and Holme Winding Hole (NGR TL199871)
- g) Yaxley Lode between Yaxley Lode Railway crossing (NGR TL194915) and Yaxley overspill footbridge (NGR TL189920)

- (ii) It shall not be an offence under paragraph (i) of this Byelaw for a vessel to exceed such speed limits if, and to the extent that it is taking part in any regatta, training, demonstration, test or other similar event in respect of which there is in force in relation either to that particular vessel or to vessels generally taking part in the event a special permit in writing from the Commissioners authorising a higher speed provided that the speed so specified in that permit is not exceeded nor shall it be an offence for a vessel in use for Byelaw or law enforcement purposes to exceed such limits.

17. Vessels and Apparatus affecting the safety of Navigation or Amenity

No person shall, on any Navigation Waterway, use

- (i) any water skis, jet skis or any like equipment or apparatus or
- (ii) any vessel which in the reasonable opinion of the Commissioners injuriously affects the safety of navigation or the amenity of any Navigation Waterway.

18. Erection of Structures etc

- (i) No person without the consent of the Commissioners shall, in any Navigation Waterway or on or through any bank of such Waterway, construct or provide any berth, landing stage, gangway, mooring post or any other erections or installations for any vessel provided that this Byelaw shall not prevent the construction or provision of such structures in any boat yard or marina so long as the construction or provision of such works does not obstruct the navigation of a Navigation Waterway.
- (ii) Without prejudice to the provisions of paragraph (i) of this Byelaw, no person shall, without the consent of the Commissioners, lay down, erect or maintain or knowingly cause to be laid down, erected or maintained any wire, rope, cable, chain, work or structure in, over, under or across a Navigation Waterway provided that this Byelaw shall not restrict, prevent, interfere with or prejudice the exercise of any existing or future statutory rights or powers.

19. Mooring - General

- (i) No person shall moor a vessel on a Navigation Waterway or to a bank of such a Waterway unless such vessel shall be properly and securely moored and shall be laid as close to and along the side or front of the mooring place as may be convenient.
- (ii) No person shall put out or affix any mooring or landing plank to, for or from any vessel from or to a bank of a Navigation Waterway in such a location, manner or position as to impede or interfere with the free passage of persons or vehicles over and along the bank.
- (iii) The master of a vessel shall not, without the consent of the Commissioners, moor it within 30 metres upstream or downstream of any Water Control Structure or in any lock pen provided that this paragraph of this Byelaw shall not apply to any mooring properly carried out in the course of navigation if the vessel is about to be taken through a lock.
- (iv) No person without the consent of the Commissioners shall cause or knowingly permit any vessel to be beached or to lie aground upon the bank of a Navigation Waterway and to remain there unattended provided that this paragraph of this Byelaw shall not apply to a vessel which is lawfully lying at a commercial, public or private wharf.
- (v) The master of a power driven vessel moored at any wharf, jetty, landing stage or mooring place on a Navigation Waterway shall ensure that its engines are not worked so as to cause injury or damage to the wharf, jetty, landing stage or mooring place or to the bank of the Navigation Waterway or to any vessel or thing whatsoever.
- (vi) No person shall moor any vessel in such a location, manner or position so as unreasonably or unnecessarily to obstruct or unduly restrict the passage of other vessels in navigating a Navigation Waterway.
- (vii) The master of a vessel on a Navigation Waterway shall not leave such vessel unattended or adrift so as to cause or be reasonably likely to cause any obstruction to the free passage of vessels on a Navigation Waterway.
- (viii) No person shall without lawful excuse turn any vessel adrift in a Navigation Waterway or shall without such excuse cut off, loosen or in any way whatsoever interfere with any mooring or rope or fastening of any vessel.

- (ix) Where any vessel, whether on a Navigation Waterway or the bank of such a Waterway, is moored, situated or lying in such a position as is likely to interfere with the exercise of any statutory function of the Commissioners in respect of Navigation the owner of such vessel shall, within seven days after receipt of notice to that effect from the Commissioners, remove the vessel for such time as the Commissioners may reasonably require for the completion of the exercise of such function and if the owner fails to do so then the Commissioners shall be entitled to remove the vessel as necessary.

20. Interference with Vessels

Except in an emergency, no person other than an authorised officer acting in the execution of his duty shall:

- (i) operate or attempt to operate the engine or in any way meddle with the machinery of any vessel without the permission of the master of that vessel;
- (ii) go aboard any vessel without the permission of the owner or master of that vessel except as shall be necessary to move or moor another vessel or gain access to another vessel.

21. Short Stay Moorings

- (i) Subject to Byelaw 21(ii) no person, without the consent of the Commissioners, shall moor a vessel for any period or aggregate periods longer than the period or aggregate periods there specified at any mooring place on a Navigation Waterway which is provided for the use of, or is generally available to, the public and at which a notice is exhibited by the Commissioners indicating that vessels may not be moored thereat for any period or aggregate periods in excess of those specified.
- (ii) It shall not be an offence under Byelaw 21(i) if a vessel uses, in an emergency and only for the duration of the emergency, a mooring place for a period or aggregate periods longer than the maximum period or aggregate periods specified at such mooring where the Commissioners are within 24 hours of the occurrence thereof notified both of the emergency and its anticipated duration.

22. Houseboats

No person, without the consent of the Commissioners, shall moor a houseboat in a Navigation Waterway or to a bank of such a Waterway provided that this Byelaw shall not apply to any houseboat which is in the course of being moved from one place of lawful anchorage to another place of lawful anchorage or which is lawfully lying in or at a commercial public or private marina or wharf.

23. Locks

- (i) No person shall:
  - (a) open or close or attempt to open or close the gate of any lock except by the means provided for that purpose or before the water is level on both sides of the gate.
  - (b) draw or operate any sluice until the lock gates are closed.
  - (c) operate or leave open any sluice so as to waste water.

- (d) operate or leave open any lock gate so as to risk causing any hazard or unreasonable hindrance to other users of a Navigation Waterway or its banks towpaths or footpaths.
  - (e) operate any sluice otherwise than by means of the handle or other device normally used for that purpose.
- (ii) No person shall, without having previously obtained the permission of an authorised officer or having been expressly requested by that officer to do so, use or meddle with the gear at any lock or weir or with any sluice belonging to the Commissioners.

Save that Byelaw 23(ii) shall not apply to persons directly involved in the navigation of a vessel properly operating lock gear only when passing such vessel through, by or over any lock belonging to or under the control of the Commissioners other than Salters Lode Lock and Stanground Lock.

- (iii) No person shall wind or coil any rope, chain or other fastening from a vessel around or fix or fasten the same to any lock or lock gate or any other part of the lock mechanism except to the bollards or other equipment specifically provided for the purpose of bringing up and stopping vessels.
- (iv) The master of a vessel passing or intending to pass through any lock upon a Navigation Waterway or any channel into or out of the same
  - (a) shall not cause such vessel to remain in the lock or channel any longer than is necessary for the convenient passage thereof or
  - (b) shall not attempt to enter any such lock unless he shall reasonably believe there to be sufficient water to float and carry such vessel through such lock.
- (v) The master of a vessel approaching, entering, passing through or leaving any lock shall cause that vessel to be navigated at such speed and controlled in such manner so as at all times to prevent that vessel from obstructing or running foul of the lock or any part thereof or any other vessel approaching, entering, passing through or by or leaving that lock.
- (vi) No person shall fill with or empty of water any lock for the admission of any vessel to the lock when there is another vessel approaching the lock from the opposite direction and within two hundred metres thereof and the level of water in the lock is suitable for the approaching vessel to enter the lock.
- (vii) No person shall exclude from passage through any lock any vessel proceeding in the same direction as a vessel already in the lock prior to the operation of the lock providing such vessels can reasonably be accommodated at the same time within the lock.
- (viii) (a) No person shall open or manipulate any liquid fuel container or tank on any vessel while such vessel is in or waiting to enter any lock on a Navigation Waterway.
- (b) The master of a vessel shall ensure that no liquid fuel container or tank shall be opened or manipulated on a vessel while the same is in or waiting to enter any lock on a Navigation Waterway.

- (ix) No person on board any vessel in any lock on a Navigation Waterway shall knowingly cause to be ignited any match, artificial lighter or other means of producing a flame.

24. Notice of Incidents

On the occurrence of any fire, explosion or other similar incident on board any vessel on a Navigation Waterway the master or owner of such vessel shall, unless reasonably prevented from doing so, within 12 hours thereafter serve notice on the Commissioners giving all the information in his power as to the locality, date and time of the incident, the cause of the incident, the part or parts (if any) that failed and the extent of the failure and the damage (if any) to persons or property and such other particulars (if any) as the Commissioners may reasonably require; and the Commissioners may within three days after the receipt of such notice as aforesaid, if they shall deem it appropriate, inspect or cause the vessel to be inspected and for that purpose the vessel shall be preserved and kept by the owner as nearly as possible in the exact condition in which the vessel was after the completion of the fire or other incident and the master or owner shall give to the Commissioners all reasonable facilities for such inspection.

25. Towing

- (i) Except in an emergency or with the consent of the Commissioners, vessels towed on a Navigation Waterway shall be placed astern or ahead of the towing vessel and not more than one vessel shall be towed at the same time.
- (ii) Save as provided in paragraph (i) above the master of any vessel underway on a Navigation Waterway shall ensure that the vessel be navigated singly and separately.

26. Swimming Diving and Washing in Navigation Waterways

- (i) Subject to paragraph (ii) below no person shall, save in an emergency:
  - (a) dive or jump into a Navigation Waterway or onto any vessel on a Navigation Waterway from any Water Control Structure or from any bridge.
  - (b) jump on to any vessel on a Navigation Waterway from any place so as to cause obstruction, nuisance or annoyance or the risk of injury to persons or property.
  - (c) bathe in a Navigation Waterway.
  - (d) dive into or swim or engage in any diving operations in a Navigation Waterway without the previous consent of the Commissioners.
- (ii) Byelaw 26(i)(a) and (d) shall not apply to police officers acting in the course of their duties or anyone acting at the request of or assisting such officers.

27. Removal of Weed Ropes etc

No person, without the consent of the Commissioners, shall interfere with, damage, destroy or remove any weed rope, boom or similar apparatus placed by or with the authority of the Commissioners in a Navigation Waterway provided that it shall not be an offence under this Byelaw for a person to interfere with or remove such rope, boom or apparatus for the purpose

of and to the extent that such interference or removal is necessary for the passage of a registered vessel thereby or thereover if the said rope, boom or apparatus is properly replaced or reinstated immediately after such passage.

28. Damage to Water Control Structures and Notices etc

No person shall, without lawful authority, while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners

- (i) interfere with, deface, damage, destroy, disturb or remove
  - (a) any notice, placard or notice board provided, erected or exhibited by the Commissioners or permitted by the Commissioners to be provided, erected or exhibited on a Navigation Waterway or its banks.
  - (b) any life saving equipment on a Navigation Waterway or its banks (whether provided by or belonging to the Commissioners or not)
  - (c) any water point, sanitary or refuse disposal station, litter receptacle or other facility relating to a Navigation Waterway (whether provided by or belonging to the Commissioners or not)
  - (d) any fence, wall, hedge or gateway on the bank of a Navigation Waterway (whether belonging to the Commissioners or not)
  - (e) any flowering or other plant or any shrub, vegetation or tree.
- (ii) take, destroy, search for or disturb the nest or egg of any bird or kill, injure, take, catch or trap or attempt to kill, injure, take, catch or trap any animal or bird or the young of any animal or bird.

29. Cutting trees etc obstructing a Navigation Waterway

- (i) Whenever the navigation of a Navigation Waterway is obstructed by any tree, bush, shrub or projection the occupier of the land on which such tree, bush, shrub or projection grows or is fixed shall, upon the receipt of a notice served on him by the Commissioners cut, prune or lop such tree, bush or shrub or remove such projection so that navigation be not obstructed thereby.
- (ii) If such owner or occupier shall not comply with such notice within a time to be specified therein the Commissioners may cut, prune or lop such tree, bush or shrub or remove such projection and recover the expenses thereby incurred from such owner or occupier as a civil debt.

30. Repairs to Buildings

The owner of any building or structure in, on, under or over a Navigation Waterway or its banks shall, upon receipt of a notice from the Commissioners that, because of its state of disrepair, the building or structure is causing or is in imminent danger of causing an obstruction to the passage of vessels on that Navigation Waterway, carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction within such reasonable time as is specified in the notice and in

default thereof the Commissioners may proceed to carry out such works as are specified in the notice and to recover the expenses reasonably incurred in so doing from the said owner as a civil debt.

31. Affixing of Bills

No person without lawful authority shall affix any bill, placard or notice to or upon any Water Control Structure.

32. Dangerous Litter

No person shall leave on the bank of a Navigation Waterway, otherwise than in a receptacle provided for litter, any glass, plastic material, metal, fishing line, fishing hook or other material likely to cause injury to any person, animal or bird.

33. Detrimental substances not to be put into a Navigation Waterway

- (i) No person shall deposit, throw, discharge or put or cause or permit to be deposited, thrown, discharged or put or negligently or wilfully cause or permit to fall into any Navigation Waterway, any object or matter of any kind which might in any way cause obstruction to the navigation of that Waterway.
- (ii) The master of a vessel shall not load or discharge any cargo, ballast, fuel, refuse or rubbish any part of which is liable to fall into a Navigation Waterway in the course of such loading or discharging without taking such precautions as shall effectively prevent the cargo, ballast, fuel, refuse or rubbish from falling into the Navigation Waterway and
- (iii) Any person who contrary to the provisions of this Byelaw, deposits, throws, discharges or puts or causes or permits to be deposited, thrown, discharged or put or causes or permits to fall into or in a Navigation Waterway any such object or matter as is referred to in this Byelaw shall upon being required by the Commissioners by notice so to do and so far as such removal is practicable, remove the same at his own expense within such reasonable time as may be specified in the notice; and in default thereof the Commissioners may do so and recover the expenses reasonably incurred in so doing from that person as a civil debt.

34. Use of vessels with sanitary appliances

- (i) Subject to the provisions of paragraph (iii) of this Byelaw no owner or master of any vessel shall use or knowingly permit to be used on a Navigation Waterway any vessel provided with a sanitary appliance of such design that polluting matter normally passes or can pass into the Waterway.
- (ii) Where any vessel is fitted with a sanitary appliance, such appliance shall be so designed, constructed and at all times maintained as necessary to prevent any such passage as aforesaid.
- (iii) (a) The master of every vessel present on a Navigation Waterway, at the date of the coming into force of this Byelaw, and of every vessel on a Navigation Waterway on or after such date, if such vessel is fitted with sanitary arrangements or appliances so designed or constructed as to permit the passage into the Waterway of polluting matter, shall without undue delay give notice to an authorised officer

specifying the nature of such arrangements as aforesaid. The master shall also, upon being requested by such officer so to do, 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 on a Navigation Waterway. So long as the vessel remains on a Navigation Waterway, no interference or alteration shall be made with the sealing or other steps so taken as aforesaid except with the consent of the Commissioners and

(b) The master of the vessel shall at the request of an authorised officer (on production of evidence of his authority) afford reasonable facilities to that officer for the inspection of such sealing and other steps.

(iv) No person shall discharge or cause or permit to be discharged any polluting matter into a Navigation Waterway from any vessel or from any sanitary appliance used thereon.

### 35. Fishing

No person shall fish in a lock pen or within 30 metres upstream or downstream of any lock gate on a Navigation Waterway or at any other place where fishing is for the time being prohibited by the Commissioners and so indicated by notice publicly displayed.

### 36. Lighting of Fires

No person shall while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners light, maintain, throw down, place or leave any fire or any combustible, flaming, smouldering or burning substance, matter or thing in any place where the same may cause danger or damage to property of any kind or annoyance to any reasonable person.

### 37. Harassment

(i) No person shall do any act or thing so as to prevent for an unreasonable time any other person lawfully exercising his rights on a Navigation Waterway or its banks or enjoying the facilities thereof or so as to harass him.

(ii) Without prejudice to the generality of paragraph (i) of this Byelaw no person shall, while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners

(a) throw or propel or cause to fall any stone, missile or any other thing that may strike or fall upon any person, vessel, animal or bird on a Navigation Waterway or on its banks or on any property of the Commissioners.

(b) shoot or discharge any gun, firearm or air weapon or let off any firework or similar device on, over or in the direction of a Navigation Waterway or its banks so as to endanger or harass persons exercising their lawful rights thereon.

### 38. Excessive Noise etc

No person shall while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners:-

- (i) cause or permit a generator or engine or other like equipment or machinery to be operated in connection with any vessel when the same is moored
  - (a) between the hours of 8 pm and 8 am or
  - (b) at any other time so as to cause unreasonable disturbance or annoyance to other persons on or enjoying the amenities of the Navigation Waterway or
  - (c) at any time in the case of the operation of the engine of a vessel without ensuring that the propeller of the vessel is effectively prevented from rotating.
- (ii) use or permit to be used any radio, record player, tape recorder, cassette player, compact disc player or other similar device, television receiver or musical instrument, horn, whistle or bell or any other device or thing whatsoever, resulting in the broadcasting or transmission of any noise so as to give reasonable cause for annoyance to other persons and no person aboard or getting on to or landing from any vessel shall without reasonable excuse make any noise so as to give such cause for annoyance.

39. Authorised officers

- (i) An authorised officer on production of evidence of his authority may require any person on a Navigation Waterway or on a bank of such a Waterway who is doing an act which without the consent of the Commissioners is prohibited by these Byelaws to produce evidence of such consent and if the person is unable to do so then the officer may require him to furnish his name and address and it shall be an offence to fail to do so.
- (ii) An authorised officer on production of evidence of his authority may require any person on a Navigation Waterway or on a bank of such a Waterway who is doing an act which is prohibited by these Byelaws to furnish his name and address and it shall be an offence to fail to do so.

40. Consents

- (i) Where by or under these Byelaws any person is required to refrain from doing any act without the consent of the Commissioners such consent shall not be unreasonably withheld and if given may be either unconditional or subject to such reasonable conditions as the Commissioners may consider appropriate.
- (ii) Where the Commissioners give their consent under these Byelaws for the doing of any act subject to any conditions a breach of the conditions shall be deemed as regards liability to a fine equivalent to the doing of the act without the required consent.
- (iii) Any application made under these Byelaws for the consent of the Commissioners to the doing of any act or to any matter or thing shall be made in writing and the applicant shall furnish therewith all such plans, drawings and other relevant information in relation to such application as the Commissioners may reasonably require.

41. Determination of Disputes

- (i) Where by or under these Byelaws any person is required by a notice given by the Commissioners to do any work to the satisfaction of the Commissioners or to comply with any directions of the Commissioners, he may within 21 days after the service of

such notice on him give to the Commissioners a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Commissioners the dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Commissioners the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw.

- (ii) Any dispute as to whether the consent of the Commissioners under these Byelaws to the doing of any act has been unreasonably withheld or as to whether any condition subject to which such consent is granted is unreasonable shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.
- (iii) Where by or under these Byelaws any person is required by a notice given by the Commissioners to do any work to the satisfaction of the Commissioners or to comply with any directions of the Commissioners and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

The Common Seal of the Middle Level Commissioners was affixed to these Byelaws in pursuance of resolution C. on the day of 200 in the presence of

Chief Executive of the Commissioners