

**YEALM HARBOUR BYELAWS  
DISTRICT OF SOUTH HAMS  
BYELAWS INCORPORATING  
AMENDMENTS  
TO 31<sup>ST</sup> JULY 2017**

Originally Made.....14th November, 1978  
Originally came into operation .....7th July, 1982

These Byelaws were made by the District Council of South Hams, in exercise of its powers under:-

Section 83 of the Harbours, Docks and Piers Clauses Act 1847, as incorporated with the Plympton St. Mary Rural District Council Act 1933 (hereinafter referred to as "the Act of 1933"), Section 34 of the Act of 1933 as amended by Article 10 of the Yealm Harbour Revision Order 1970 and of all other powers enabling them in that behalf.

The River Yealm Harbour Authority, in exercise of the same powers, amended these Byelaws on 11<sup>th</sup> April 1991, 4<sup>th</sup> July 1996, 16<sup>th</sup> May 2013 and 20<sup>th</sup> April 2017.

**CITATION AND OPERATION**

**PRELIMINARY**

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|------------------------------|---|
| Citation                     | 1. These Byelaws may be cited as the River Yealm Harbour Byelaws 1978.  |
| Application                  | 2. These Byelaws shall apply to all parts of the River Yealm Harbour within the jurisdiction of the Council, as shown on the map annexed to these Byelaws, and shall come into force one month after their confirmation by the Secretary of State for Transport.  |
| Revocation of Former Byelaws | 3. The Byelaws made by the former Plympton St. Mary Rural District Council with respect to the River Yealm Harbour and confirmed by the Minister of Transport on the Thirteenth day of May, 1938 are hereby revoked.  |
| Division into Parts          | 4. These Byelaws are divided into parts as follows:-<br><br>Part I      Interpretation<br>Part II     Private Moorings<br>Part III    Anchoring and Mooring<br>Part IV    Berthing<br>Part V     Navigation<br>Part VI    Wrecks<br>Part VII   Orderly Conduct<br>Part VIII   General<br>Part IX    Penalties |

**I INTERPRETATION**

5. In these Byelaws, unless the context otherwise requires :-

"The Authority" means the River Yealm Harbour Authority or any officer of that Authority acting on behalf of or on the instructions of the Authority.

"The Harbour" means the Yealm Harbour as defined in Article 4 (Limits of Harbour) of the Yealm Harbour Revision Order 1970, as shown on the said map.

"The Harbour Master" means the Harbour Master appointed by the Authority and any other persons appointed by the Authority under the provisions of the Act 1933, for securing the observance of these Byelaws and his or their duly authorised assistants.

"Master" when used in connection with a vessel means any person whether

the owner or not having charge or taking command of the vessel for the time being.

“Person” shall include a corporation whether aggregate or sole.

“Power-driven vessel” means any vessel propelled by machinery.

“Quay” shall mean any publicly owned quay, steps or slipway including established rights of way as entrances or landing places within the Harbour.

“Vessel” means every description of vessel, however propelled or moved, and includes hovercraft as defined in the Hovercraft Act 1968, any floating manufactured article, anything constructed or used to carry persons or goods by water, and a seaplane on or in the water.

## II PRIVATE MOORINGS

- Mooring Licence 6. No person shall place, lay down, maintain or use a private mooring in the Harbour, excluding for the purpose of this Byelaw and Byelaws 7 to 9 both inclusive that part of the Harbour comprised in the Kitley Estate, unless he has obtained a licence in writing from the Authority. Any person requiring such a licence shall make an application in writing to the Authority and supply such relevant information as the Authority shall from time to time require. In this Byelaw, the reference to the Kitley Estate is a reference to the land mentioned in Article 18 of the Yealm Harbour Revision Order 1970 (S.I. 1970/890).
- Compliance with Conditions 7. A person to whom a licence is granted shall comply with the conditions prescribed by the Authority.
- Licence Fees 8. A person granted a licence to lay down a private mooring (which licence must be renewed annually) shall pay the annual licence fee based on the location of the mooring, which shall be determined by the Authority but shall not exceed:-

<u>Location</u>	<u>Fee per year or part thereof</u>	
	£	
Deep Water to 4 feet (Low water on spring tide)	250.00	) Plus ) ) V.A.T
Shoal and Part Drying	180.00	) ) at
Mud Moorings below Kiln Quay	130.00	) ) standard
Mud Moorings above Kiln Quay	85.00	) ) rate
Outhaul Moorings - all areas	70.00	)

Such fee must be paid within the time specified by the Authority. If it is not paid within that time the licence shall be void and the licensee shall, if so required by the Harbour Master, forthwith remove the mooring in question.

- Cessation of Use 9. When the person granted a licence to use a private mooring ceases to use that mooring he shall immediately notify the Authority in writing and remove the mooring within three months of receipt of a written request from the Authority to do so.

## III ANCHORING AND MOORING

- Obstruction of Navigation 10. No person shall anchor, or moor, or place, or lay down, maintain or use a private mooring in any part of the Harbour whatsoever in such a manner as to obstruct navigation or endanger any other anchored or moored vessel, the consent or permission of any person to the contrary notwithstanding.
- Mooring of Vessels 11. The master of a vessel shall anchor or moor his vessel at such part of the Harbour and shall from time to time remove the same to

such situation within the Harbour as the Harbour Master may direct.

Watch on Board Anchored Vessels	12. The master of a vessel shall, if so required by the Harbour Master, cause at least one responsible person to be on board at all times whilst such vessel is anchored in the Harbour.
Indication of Anchors	13. (i) The master of a vessel in letting go an anchor in the fairway of the Harbour shall either have a watchbuoy attached thereto in such a manner as clearly to indicate its position or shall have its upper fluke bent or buried in such a manner as not to be likely to cause damage to any vessel navigating the Harbour. (ii) The master of every vessel which has slipped or parted from her anchor in the Harbour shall forthwith give notice thereof and of the position of such anchor to the Harbour Master.

#### **IV BERTHING**

Berthing of Vessels	14. The master of a vessel shall berth his vessel at such part of the Harbour and shall from time to time remove the same to such situation with the Harbour as the Harbour Master may direct.
Vessels Not to Lie Alongside Others	15. No master shall berth or lay alongside another anchored or moored vessel without the permission of both the Harbour Master and the master or owner of that other vessel, unless ordered to do so in any emergency by the Harbour Master.
Obstruction of Other Vessels	16. No master shall berth his vessel so that it obstructs entry to any quay.
Berthing at Bridgend Quay	17. (i) No master shall berth his vessel at the outer quay at Bridgend, indicated on the map annexed to these Byelaws, without the prior permission of the Harbour Master. (ii) The master of any vessel so berthed shall remove it as directed by the Harbour Master.
Berthing on Harbour Foreshore	18. The master or owner of a vessel berthed on any part of the Harbour foreshore shall remove it from such berth when required to do so by the Harbour Master.

#### **V NAVIGATION**

Navigation during Races, Regattas	19. On the occasion of any race, regatta or public procession, the masters of vessels within the Harbour shall cause them to be navigated so as not to obstruct, impede or interfere with such race, regatta or procession or to endanger the safety of any persons assembled thereat and shall obey all directions given by the Harbour Master or any person authorised by the Authority to superintend the execution of this Byelaw.
Vessels to be Navigated with Care and Caution	20. The master of every vessel including speedboats shall navigate his vessel with care and caution and at a speed and in a manner which shall not endanger the safety of any other vessel, buoy or mooring or cause damage thereto or to the banks of the Harbour or to any other property or cause injury to any person.
Speed of Vessels	21. No master of any power-driven vessel navigating the Harbour shall navigate his vessel at a speed exceeding six knots over the ground.
Navigating While Under Influence of Drink or Drugs	22. No person shall navigate 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.

#### **VI WRECKS**

Sunken Vessels 23. The master of every vessel which has sunk in the Harbour shall forthwith give to the Harbour Master notice thereof and the position of such vessel.

## VII ORDERLY CONDUCT

Disorderly Persons 24. (i) No person shall be drunk in the Harbour.

(ii) No person shall intentionally obstruct any officer of the Authority in the execution of his duty.

(iii) No person shall create by any means any unreasonable noise to the annoyance of other persons in the Harbour.

Fitting of Silencers to Engines for Purposes other than Propulsion 25. The master and owner of any vessel fitted with any type of engine for purposes other than propulsion shall ensure that the engine in question is both effectively silenced and screened so that it is not a nuisance.

Fitting of Silencers to Vessels 26. No master or owner shall cause or permit his vessel to be navigated or operated in the Harbour by means of an internal combustion engine unless that engine has been fitted with a silencer or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine and also with a suitable suppressor to limit electrical interference generated by the engine.

## VIII GENERAL

Inspection 27. The master or owner of any vessel in the Harbour shall provide reasonable facilities to the Harbour Master for inspection so that he may ascertain that these Byelaws are being complied with.

Crab Pots, Lobster Pots, Nets and Fishing Gear 28. No person engaged in the laying of crab and lobster pots, nets or other fishing gear within the Harbour shall lay or use such pots, nets or fishing gear in any way which shall constitute a danger to navigation or to persons or property within the Harbour.

Sub-Aqua Activities 29. No person shall engage in sub-aqua activities within the Harbour except with the permission and under the direction of the Harbour Master.

Water Ski-ing 30. No person shall engage or take part in water ski-ing or similiar activity within the Harbour.

Rubbish not to be Tipped 31. No person shall tip or cause to be tipped any rubbish or waste material in the Harbour or upon the shores of any part thereof.

## IX PENALTIES

Responsibility for Compliance with Byelaws 32. (i) Any person who contravenes the provisions of these Byelaws, except Byelaw 8, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and a fine not exceeding five pounds for each day on which an offence is continued after conviction. Provided that the total penalties for any such breach, or non-observance shall not exceed one hundred pounds.

(ii) 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 the offence; and a person may be charged with and convicted of an offence by virtue of this Byelaw whether or not proceedings are taken against any other person.

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

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or

(b) that he had a reasonable excuse for his act or failure to act.

(iv) If in any case the defence provided by paragraph (iii)(a) of this Byelaw involves the allegation that the commission of the offence was due to the act or default of some other person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, within a period ending seven 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 the SOUTH )  
HAMS DISTRICT COUNCIL was hereunto )  
affixed this Fourteenth day of November )  
1978 in the presence of:- )  
)

R. D. Cooper Chairman

R.K. Heath Deputy Secretary

The Secretary of State hereby confirms with modification the foregoing Byelaws.

Signed by authority of the Secretary of State.

7th June, 1982

J.R. Fells  
An Assistant Secretary in the  
Department of Transport.

NOTE

(1) The provisions of general law, including the Public Order Act 1936 and the Criminal Damage Act 1971 apply to the area covered by the above Byelaws as to anywhere else in the Country.

(2) The foregoing Byelaws shall apply without prejudice to the statutory rights and powers conferred on the holders of the Several Fishery Order known as the Yealm Fishery (Variation) Order 1974.

(3) Nothing contained in these Byelaws shall take away, lessen, alter or affect prejudicially any estate, right, power, privilege, authority, liberty, franchise or exemption of or any other statutory protection which may be afforded by the provisions of the Act of 1933 or the Yealm Harbour Revision Order 1970 to any owner, tenant or licensee of the Crown Fishery or the Kitley Estate or any part thereof.



MAP REFERRED TO IN THE

YEALM HARBOUR BYELAWS 1978

showing, as a Note to the Byelaws,  
the Kitley Estate and the Crown Fishery.

Kitley - North of the  
Estate line A-B.

Crown - Between the lines  
Fishery A-B and C-D.