

Chester City Council

**Byelaws with respect to
Pleasure Boats and Vessels
on the River Dee at Chester**

Published October 2003

BYELAW MADE BY THE COUNCIL OF THE CITY OF CHESTER
UNDER SECTION 72 OF THE CHESHIRE COUNTY COUNCIL ACT 1980
WITH RESPECT TO PLEASURE BOATS AND VESSELS ON THE RIVER DEE AT CHESTER

INTERPRETATION

1. Throughout these byelaws -

“The Council” means the Council of the City of Chester

“The Corporation” means the Mayor Aldermen and Citizens of the City and County of the City of Chester

“The River” means that part of the River Dee which extends from the Weir at the Old Dee Bridge to the bridge at Farndon

“Vessel” includes every description of water craft used or capable of being used as a means of transportation on water, including a seaplane and a hovercraft as defined in the Hovercraft Act 1968

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

“Master” when used in relation to any vessel means any person whether the owner, master or other person lawfully or wrongfully having or taking the command, charge or management of the vessel for the time being

“Houseboat” means any vessel or structure not used bona fide for navigation and lying in the water (not being a structure placed or erected below the level of mean high water springs between the banks of the river and the channel for the purposes of any function of the Welsh Water Authority) and which is used or intended for use as a place of habitation (whether temporarily, intermittently or permanently) or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment or of viewing regattas or other events as club premises as a store or as offices

“Pleasure Boat” means any vessel used wholly or mainly for recreation not being a vessel used solely as a houseboat, mooring stage or pontoon

“Pleasure Boat for Hire” means any pleasure boat let for hire or used or intended to be used for any purpose of profit in respect of which there exists a current passenger steamer’s certificate issued under Section 274 of the Merchant Shipping Act 1894 which is valid for the voyage intended or a hovercraft in the river registered in the United Kingdom duly certified when necessary

“Private power-driven vessel” means any vessel which is neither a pleasure boat for hire nor let for hire or intended to be used for any purpose of profit

“Boat Certificate” means a certificate of registration of a private power-driven vessel or of a pleasure boat for hire as the case may be pursuant to the Cheshire County Council Act 1980 and includes any renewal of such certificate

“Owner” includes in relation to a vessel any person authorised to act as agent for the owner thereof

“Sailing vessel” means any vessel under sail provided that propelling machinery if fitted is not being used

REGISTRATION OF PLEASURE BOATS

2. A person shall not use any private power-driven vessel or let for hire for use on the river any pleasure boat for hire unless a boat certificate relating thereto has been issued by the Council and is still in force. Provided that this byelaw shall not require the registration of any such vessel in respect of
 - (a) any bona fide trial trip on the river after construction or restoration of the vessel or
 - (b) its removal from any boat builders yard on the river to any other place thereof with a view to the vessel's immediate removal from the river or
 - (c) its participation in any regatta or boat race
Provided that not less than forty-eight hours' notice in writing is given to the Council of the intention to make such trip, remove such vessel or use it in such regatta or boat race and that any conditions specified by the Council in that behalf are complied with or
 - (d) its engagement in a rescue or other emergency
or which is used solely for the carriage of goods
3. Every person who shall apply to the Council in accordance with Byelaw 2 hereof for the registration of a vessel or for the renewal of a boat certificate in respect of any such vessel shall in connection with such application
 - (a) furnish to the Council on the form provided by it for that purpose a true statement of the particulars concerning such pleasure boat therein required to be specified and
 - (b) permit any officer duly authorised by the Council or any police officer to inspect the vessel at any reasonable time
4. Charges in respect of boat certificates shall be such as may be specified by resolution by the Council from time to time as payable by the applicant
5. Every owner of a vessel registered under these byelaws shall cause the name or number specified in the boat certificate issued by the Council in respect of the vessel to be exhibited conspicuously in lettering or numbering on the exterior of each bow and on the stern. Vessels already registered under and marked in accordance with the Merchant Shipping Acts are exempt from the marking requirements of this byelaw
6. All boat certificates shall cease to be in force on the thirty-first day of December in each year unless any earlier date is specified in the boat certificate
7. If any vessel registered under these byelaws is altered in such a way that it ceases to conform to the boat certificate relating to it, such boat certificate shall forthwith be deemed to be cancelled

8. The owner of a vessel registered under these byelaws shall within a period of one month from the date of sale or transfer give notice in writing to the Council of the sale or transfer of ownership of such vessel stating the name and address of the buyer or transferee
9. (a) Every person who shall apply to the Council for the registration under these byelaws of a vessel or for the renewal of a boat certificate in respect of any vessel shall furnish to the Council such evidence as the Council may reasonably require that adequate insurance has been effected indemnifying persons using the boat against claims in respect of the death or of bodily injury to any other person caused by or arising out of the use of the boat
(b) It shall be a condition of any boat certificate that such insurance shall be and remain effective throughout the period covered by the boat certificate and if such insurance ceases to be effective the boat certificate shall forthwith be deemed to be cancelled
(c) Within five days of a request to do so made by a police officer or a duly authorised officer of the Council, the owner or master of a vessel registered under these byelaws shall furnish to such police officer or duly authorised officer or at the offices of the Council satisfactory evidence of such insurance
10. The Council may attach to any boat certificate such conditions as it deems desirable in connection with the administration of Part X (River Dee at Chester) Cheshire County Council Act 1980 and if any such condition is not performed or observed the Council may in addition to any other penalty revoke or suspend the boat certificate
11. The Council may from time to time grant exemptions from the requirement to obtain a boat certificate and may also from time to time withdraw or amend any such exemption

THE REGULATION OF MOORING PLACES AND LANDING STAGES

12. The master of a vessel shall not
 - (a) while the vessel may occupy any mooring place intentionally or improperly render insecure the mooring of any other vessel occupying such a place
 - (b) without reasonable excuse moor the vessel in such a position or in such a manner at a mooring place as to cause risk of damage to any other vessel or to any structure on the banks of the river or obstruction to the safe and convenient passage or mooring of any other vessel or to the safe and convenient embarkation or disembarkation of persons therein or therefrom or unreasonable interference with the enjoyment of other persons (including anglers) of the amenities of the river
 - (c) knowingly cause or permit the vessel to damage such mooring place

13. No person shall anchor, moor, berth or otherwise intentionally stop any vessel in such a position as to impede the clear and free passage of any other vessel or otherwise to obstruct the navigation of the river

REGULATION OF PLEASURE BOATS

14. The master of a pleasure boat for hire shall not while the same is plying or used for hire, knowingly cause or permit to be carried therein a greater number of persons than the number of persons specified in the boat certificate granted by the Council in respect of the vessel or in any passenger steamer certificate for the vessel issued under Section 274 of the Merchant Shipping Act 1894
15. Except in emergency, the master of a pleasure boat for hire shall not
 - (a) knowingly cause or permit any person to embark in the vessel for the purpose of being carried for hire if –
 - (i) by reason of the state of the weather the navigation and management of the vessel or the embarkation or disembarkation of the person may be attended with danger
 - (ii) the vessel is not in every part thoroughly sound and in complete repair or is not properly furnished with all apparatus requisite for the safe navigation and management thereof and with proper life saving appliances
 - (b) knowingly cause or permit any person lacking reasonable experience and ability to assume control of the vessel or to assist in the navigation or management thereof at any time when the vessel is carrying any person for hire

NAVIGATION

16. Unless there is reasonable excuse so not to do
 - (a) The master of a power-driven vessel while the same is in motion or about to be set in motion shall, during the period between one hour after sunset and one hour before sunrise, cause to be carried and exhibited on such power-driven vessel, in the manner herein-after indicated the following lights viz –
 - (i) on or before the foremast or if there be no foremast on the funnel or on a staff at the bow and in any case at a height above the hull of the power-driven vessel of not less than three feet, a fixed bright white light so constructed as to show an unbroken light over an arc of the horizon of not less than two hundred and twenty-five degrees and so fixed as to throw the light not less than one hundred and twelve decimal point five degrees on each side of the power-driven vessel viz – from right ahead to not less than twenty-two decimal point five degrees abaft the beam on either side

- (ii) on the starboard side, a fixed bright green light so constructed as to show an unbroken light over an arc of the horizon of not less than one hundred and twelve decimal point five degrees and so fixed as to throw the light from right ahead to not less than twenty-two decimal point five degrees abaft the beam on the starboard side
- (iii) on the port side, a fixed bright red light so constructed as to show an unbroken light over an arc of the horizon of not less than one hundred and twelve decimal point five degrees and so fixed as to throw the light from right ahead to not less than twenty-two decimal point five degrees abaft the beam on the port side

PROVIDED that in the case of a vessel having a tonnage of not more than twenty tons the requirements of the sub-paragraphs (i) (ii) and (iii) of paragraph (a) above shall be deemed to be satisfied by the provision of a combined tri-coloured lantern placed on or before the foremast or if there be no foremast on the funnel or on a staff in the bow and in any case at a height above the hull of the power-driven vessel of not less than three feet such lantern being so constructed as to show an unbroken white light from right ahead to twenty-two decimal point five degrees on each bow and an unbroken green light and an unbroken red light over an arc of the horizon from twenty-two decimal point five degrees on each bow to twenty-two decimal point five degrees abaft the beam on the starboard and port sides respectively

- (b) He shall cause the said green and red side lights mentioned in sub-paragraphs (ii) and (iii) of paragraph (a) above to be so screened as to prevent these lights being seen across the bow
- (c) He shall cause each of such lights to be of such a character as to be visible on a dark night in a clear atmosphere at a distance of at least one-quarter of a mile
- (d) A sailing vessel under way shall exhibit the lights required in paragraph (a) (ii) and (iii) above
- (e) All vessels except boats under oars shall cause to be carried and exhibited a stern light placed as near as practicable to the stern showing an unbroken white light over an arc of the horizon of one hundred and thirty-five and so fixed as to show the light sixty-seven decimal point five degrees from the right aft on each side of the vessel
- (f) A vessel under oars may exhibit the lights required for sailing vessels but if not an electric torch or lighted lantern showing a white light should be exhibited in sufficient time to prevent collision

17. Unless there is reasonable excuse so not to do the master of a power-driven vessel under way during fog shall sound at intervals of not more than one minute a prolonged blast on a steam whistle or horn or shall otherwise give audible notice of the approach of the power-driven vessel in a suitable and characteristic manner

18. Unless there is reasonable excuse so not to do and subject to Byelaw 26(b) hereof the master of a vessel navigating the river shall observe the following rules –
- (a) Every vessel shall be navigated so as not to cause obstruction to any other vessel
 - (b) A vessel other than a sailing vessel shall keep to the right-hand side of the river in the direction in which the vessel is going except where the Council has by notice in writing granted permission to do otherwise (such permission to be subject always to Byelaw 18(a) hereof) in respect of a rowing boat whilst being used in connection with the instruction of the occupants thereof in the art of rowing
 - (c) A vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken
 - (d) A power-driven vessel when overtaking another vessel shall pass it on the outside or river side of it and not between it and the bank
 - (e) A vessel crossing from one side of the river towards the other side shall do so at a proper time having regard to vessels navigating up and down the river
 - (f) A power-driven vessel shall give way to any other type of vessel
 - (g) A sailing vessel close hauled on the port tack shall keep well clear of a sailing vessel close hauled on the starboard tack
 - (h) A sailing vessel which is to windward shall keep clear of a sailing vessel which is to leeward
 - (i) When two power-driven vessels are converging end on or nearly end on each shall alter its course to starboard so that each may pass on the port side of the other
 - (j) When two power-driven vessels are crossing the vessel which has the other on its own starboard side shall keep out of the way of the other
19. Unless there is reasonable excuse so not to do the master of a power-driven vessel shall cause notice of the approach of the power-driven vessel to be given by sounding a steam or exhaust whistle or horn or otherwise audibly and in a suitable and characteristic manner when approaching any of the following bends of the river viz – at the Heron Bridge, Eccleston near the Eaton Park Gates and at each end of the Crook of Dee
20. Without reasonable excuse the master of a vessel while passing through any of the bends of the river specified in Byelaw 19 shall not overtake another vessel going in the same direction
21. The master of a vessel shall while the vessel is on the river and is not moored or at anchor exercise due care and take all reasonable precautions to keep or cause to be kept a proper and efficient lookout
22. The master of a power-driven vessel shall not cause or permit such power-driven vessel to travel on any portion of the river at a greater rate of speed than six miles an hour

calculated by reference to the speed of the vessel in relation to the adjoining banks
PROVIDED that this byelaw shall not apply

- (a) whereby notice in writing the Council has granted permission for a power-driven vessel accompanying a rowing boat in connection with the instruction of the occupants thereof in the art of rowing to travel at a speed not exceeding fifteen miles an hour calculated as described above while the power-driven vessel is used in connection with such instruction or
- (b) to a vessel used by or on behalf of the Council for the purpose of enforcing these byelaws and Part X (River Dee at Chester) of the Cheshire County Council Act 1980 to the extent necessary whilst engaged in such enforcement or
- (c) to the extent approved by the Council under Byelaw 26(b) hereof or
- (d) in an emergency

TOWING

- 23. The master of a private power-driven vessel (other than a power-driven vessel owned by a bona fide rowing club) shall not take or have in tow at the same time more than one vessel except that in addition to such vessel he may take or have in tow at the same time a vessel which may have been incapacitated through breakdown collision or other accident
- 24. The master of a pleasure boat for hire or a power-driven vessel in respect of which a licence under Section 94 of the Public Health Acts Amendment Act 1907 is required shall not take or have in tow any vessel except that he may take or have in tow a vessel which may have been incapacitated through breakdown collision or other accident
- 25. The master of a vessel used for towing shall
 - (a) Cause any vessel being towed to be securely attached to his vessel and to be at a not greater distance therefrom than fifteen feet
 - (b) Not permit any person to remain in any rowing boat, punt or canoe while it is being towed

REGATTAS RACES AND SPECIAL EVENTS

- 26. The following provisions shall apply on the occasion of any bona fide boat race, regatta, public procession or other special event held upon the river
 - (a) Any person organising any such event shall ensure that there is available at it a rescue vessel capable of providing assistance in the event of capsizing or accident
 - (b) The master of a vessel (including the vessel of an umpire) taking part in such event approved in writing by the Council shall not be required to comply with the provisions of Byelaws 18 and 22 to the extent thus approved

FITTINGS AND APPLIANCES

27. The owner of every vessel on the river fitted with or propelled by an internal combustion engine shall cause to be connected on the exhaust of such engine a silencer of such size and construction and so securely and properly fitted as to prevent a nuisance or annoyance arising from the noise of the exhaust therefrom
28. The master of any vessel in which sleeping accommodation is provided or of any houseboat shall not moor such vessel or houseboat or cause or permit the same to be moored at any point on the river unless suitable and sufficient sanitary conveniences exist or are provided upon the land adjacent to the point of mooring for the use of the occupants of such vessel or houseboat
29. The owner of a power-driven vessel shall cause it to be provided with an efficient fire extinguishing apparatus which shall be maintained in good condition and in a convenient and accessible position

MISCELLANEOUS

30. The master of a vessel shall not on the river ring or sound or cause to be rung or sounded any bell, horn, gong, steam whistle or similar audible device on the vessel except when necessary in the interest of safety of navigation or otherwise in emergency
31. Without reasonable excuse no person shall interfere with, remove or displace
 - (a) any lifesaving apparatus provided by the Council or set up with its consent or
 - (b) any rudder, paddle, sweep or oar provided in a pleasure boat for hire or other vessel licensed by the Council under Section 94 of the Public Health Acts Amendment Act 1907
32. No person hiring a power-driven vessel in respect of which a licence under Section 94 of the Public Health Acts Amendment Act 1907 is required shall without reasonable excuse allow a person under the age of fifteen to act as master of the power-driven vessel nor shall any person under that age so act
33. No person shall without reasonable excuse upon any bank of the river or upon any towpath, landing stage or pontoon or whilst swimming or bathing in the river or whilst in any other vessel on the river intentionally obstruct or interfere with any vessel
34. No persons shall without reasonable excuse dive or jump into the river or on to any vessel thereon from the Suspension Bridge crossing the river at The Groves

PENALTIES

35. Any person contravening any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred pounds and in the case of a continuing offence under Byelaws 5, 8, 12(b), 13, 26(a), 27, 28 and 29 to a daily fine not exceeding twenty pounds for every day during which the offence continues after conviction thereof

REPEAL OF BYELAWS

36. The byelaws relating to pleasure boats and vessels and made by the Corporation on the third day of August 1955 and confirmed by the Secretary of State on the eighteenth day of October 1955 as amended by the Byelaws made by the Corporation on the twenty-ninth day of November 1968 and confirmed by the Secretary of State on the twenty-fourth day of January 1969 are hereby repealed

GIVEN under the Common Seal of THE COUNCIL OF THE CITY OF CHESTER the Twenty-fourth day of June 1983

LS

M J MURRAY
CITY SECRETARY & SOLICITOR

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the Thirty-first day of August 1983

Signed by authority of the Secretary of State

LS

G. I. de DENEY
An Assistant Under-Secretary of State

15 AUG 1983

Home Office
London SW1