



Document	General Directions
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## **NEWPORT HARBOUR – GENERAL DIRECTIONS**

### **General Directions Final V1.0**

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## **Amendment Record**

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## Section 1. Preliminary

- 1.1. Ability to Make General Directions** - These General Directions may be cited as the Newport Harbour General Directions 2021 and are referred to as the “**General Directions**”. The General Directions are made pursuant to and may be amended from time to time by the Council in the manner set out in the Newport Harbour Revision Order 2021 (“the HRO”)
- 1.2. In force from** - These General Directions come into force on the 7 May 2022.
- 1.3. Application** - General Directions are rules issued by the Council and they apply to all harbour users, including those on the water within the harbour and/or on any of the harbour premises and, unless otherwise stated in the Direction, shall apply to:
- All vessels.
  - All persons.
  - To the whole of the harbour (including the harbour premises). And
  - At all times

## Section 2. Interpretation

- 2.1.** In these Directions the following words and expressions shall have the following meanings:
- “**Angling**” – means the use of a rod and/or line for the purpose of fishing or crabbing.
  - “**Byelaws**” – means any byelaws made under the Newport Harbour Provisions 1852 to 2021, as defined in the HRO.
  - “**Commercial Vessel**” – means a Vessel over 20 metres in length overall in commercial use, other than for sport or pleasure.
  - “**Competent Person**” – when used in relation to a master, skipper, or any other person, means a person having such qualifications, training and/or experience that he or she is capable of properly carrying out his or her duties.
  - “**Council**” – means the Isle of Wight Council.
  - “**Fairway**” – means the navigable channel, which is the regular course or track of vessels as shown on the Admiralty chart and by the navigation marks and buoys.
  - “**Five Trees Point**” – means the location at 50° 42’ 48” N 01° 17’ 52” W; this can also be identified using the What3Words “grudging.formation.educated” and is shown on the plan which forms section 8, schedule 2.
  - “**Grounded**” – means having unintentionally made significant contact with the seabed but does not include incidents of minor touching of the seabed where no damage to the vessel’s watertight integrity occurs.
  - “**Harbour**” – means Newport Harbour as comprised within the harbour limits, including the harbour premises.
  - “**Harbour Limits:** within which the Council exercise jurisdiction as a harbour authority and the powers of the Harbour Master may be exercised are –
    - The limits of the area within a line drawn from a parish boundary marker at 50° 44’ 01” N 01° 16’ 52” W (1) by the north side of a public house called “The Folly”, on the eastern bank of the river Medina, from there on a bearing of 272°, to the western bank of that river to a position at 50° 44’ 02” N 01° 17’ 07” W (2). From that position along the line of the mean high water mark up the western bank of the river Medina to a position at 50° 42’ 07” N 01° 17’ 32” W (3). At the north end of the weir, then running across the weir and the tributaries of the river Medina called Lukely Brook to a position at 50° 42’ 06” N 01° 17’ 32” W (4) at the south end of the weir. From that position along the line of the high water mark up the southern bank of the river Medina to 50° 41’ 58” N 01° 17’ 23” W (5) at the western end of the weir

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across the weir and the river Medina, to a position at 50°41' 58" N 01° 17' 22" W (6) at the eastern end of the weir. From that position along the line of the high water mark up the eastern bank of the river Medina to southern side of Island harbour lock at 50° 43' 30" N 01° 16' 48" W (7) then across the Lock channel to the opposite side at 50° 43' 31" N 01° 16' 47" W (8). From that position along the line of the high water mark up the eastern bank of the river Medina to position at 50° 43' 54"N 01° 16' 37" W (9) on the southern side of the tributary, then across the mouth of the tributary to position at 50° 43' 55" N 01° 16' 37" W (10) on the northern bank. From that position along the line of the high-water mark to the start point at the parish boundary marker, on the eastern bank of the river at 50° 44' 01" N 01° 16' 52" W (1) to the north side of a public house called "The Folly" (all coordinates in degrees, minutes and seconds and based on WGS 84 datum); and

b. The extent of those parts of the harbour premises not within that area.

- K. **"Harbour Master"** – means any person appointed as such by the Council, and his or her deputies and assistants, and any other person for the time being authorised by the Council to act, generally or for a specific purpose, in the capacity of Harbour Master.
- L. **"Harbour Premises"** – means land adjacent to the delineated harbour limits, or separated only by a road or other access, for the time being vested in, or occupied or administered by the Council as part of the harbour undertaking and occupied wholly or mainly for the purpose of activities there carried on; which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, other buildings and all other works and conveniences, land/premises;
- M. **"Kite Surfing"** – means the flying of a kite designed for the purpose of towing a person.
- N. **"Master"** – when used in connection with a vessel means any individual, whether the owner or not, having or taking command, charge or management of the vessel for the time being.
- O. **"Mean high water mark"** – means the level of mean high water spring tides.
- P. **"Mooring"** – includes any quay, buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience provided or used for the mooring of vessels.
- Q. **"Owner"** – when used in relation to a vessel, means the person or persons in whose name or names the vessel is registered or, if the vessel is unregistered, any legal or beneficial owner of the vessel; and when used in relation to a vehicle means the registered keeper of the vehicle.
- R. **"Paddle boarding"** – means the operation of a floatable board by means of lying, kneeling, or standing using either hands or a paddle for propulsion.
- S. **"Person"** – includes, where the context admits, companies or other entities.
- T. **"Power driven vessel"** – means any vessel which is driven wholly or partly by machinery.
- U. **"Spearfishing"** – means to fish using a harpoon or trident either by hand or using a spear gun.
- V. **"Swimming"** – means a person in or entering the water without breathing apparatus and includes snorkelling.
- W. **"Towing of persons"** – towing of persons means any activity wherein a person or persons are being towed behind a vessel with or without the aid of a flotation device or apparatus.
- X. **"Underway"** – when used in relation to a vessel means when it is not at anchor or moored or made fast to the shore or aground, and includes a vessel moving in the harbour though its anchor is on the ground or seabed.
- Y. **"Vessel"** – includes a ship, boat, raft, pontoon, or water craft of any description and includes non-displacement craft, jet bike, seaplane and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle used or capable of being used as a means of transportation, storage, or access on or under the water.
- Z. **"Water Taxi"** – means a vessel carrying members of the public to, from or between locations within the harbour and vessels (whether moored, anchored, or underway) within the harbour, being a service for which a fare is normally levied.
- AA. **"Wind surfing"** – means the navigation or operation of a sailboard or windsurfer.

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### **Section 3. Navigation or movement of vessels**

#### **3.1 Speed Limit**

- a) The Master of a vessel navigating in the harbour south of a line drawn between points (1) and (2) in the definition of the harbour limits and north of a line drawn due East of Five Trees Point shall, subject to the requirements of maintaining adequate steerage way and control, be navigated at a speed not exceeding 6 knots through the water, unless otherwise authorised by the Harbour Master in writing.
- b) The Master of a vessel navigating in the harbour south of a line drawn due East of Five Trees Point shall, subject to the requirements of maintaining adequate steerage way and control, be navigated at a speed not exceeding 4 knots through the water, unless otherwise authorised by the Harbour Master in writing.
- c) The Master of a vessel shall at all times ensure that the vessel is navigated with care and caution and in such a manner so as not to endanger the safety of other persons or cause nuisance to the occupants of any other vessel, person, or property.

**3.2 Wash** - The Master of a vessel shall ensure that the vessel is not navigated or manoeuvred in any part of the harbour in a manner or at a speed so as to cause wash to be generated that may cause damage to or endanger the safety of other persons, vessels, or property.

**3.3 Speed Exemptions** - General Direction 3.1(a) and 3.1(b) shall not apply to any vessel on any occasion when it is being used by the Police, Fire Service or RNLI or other recognised rescue or patrol craft in an emergency situation, or for the purposes of enforcing these General Directions, any special direction given under article 7 of the HRO or the Byelaws.

#### **3.4 Operating Commercial Vessels.**

The Master, owner and/or operator of a commercial vessel shall not operate the vessel within the harbour, except with the written permission of the Harbour Master and in accordance with any reasonable conditions imposed in respect of such permission.

#### **3.5 Water Taxi Services -**

The Master, owner and/or operator of a water taxi shall not operate the vessel within the harbour, except with the written permission of the Harbour Master and in accordance with any reasonable conditions imposed in respect of such permission.

#### **3.6 Navigating whilst under influence of Drink or Drugs:**

- a) A person shall not navigate or attempt to navigate a vessel when unfit by reason of drink or drugs
- b) The Master or owner of a vessel shall not knowingly cause or permit any person to navigate or attempt to navigate the vessel in contravention with Direction 3.6(a)

**3.7 Departing Marina or Moorings** - The Master of a vessel leaving a marina area or mooring within the harbour shall give way to vessels navigating within a fairway.

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- 3.8 Reporting Incident or Collision** - The Master of any commercial vessel involved in any collision and the Master of any other vessel involved in a collision in which significant damage or personal injury is caused shall as soon as possible, and in any event within 24 hours, report the collision or incident to the Harbour Master and provide such additional information regarding the collision or incident as the Harbour Master may reasonably require.
- 3.9 Sunk or Grounded Vessels** - The Master of a vessel which has sunk or grounded in the harbour shall immediately advise the Harbour Master of its position and any other particulars that the Harbour Master may reasonably require to ensure the safety of navigation. If a vessel undertow has sunk or grounded the Master of the towing vessel shall also have responsibility to advise the Harbour Master as previously mentioned.
- 3.10 Vessels Abandoned or Adrift** - The owner or Master of a vessel which has been abandoned or has gone adrift or is missing from her moorings in the harbour shall notify the Harbour Master of the relevant facts (to include date, time, and circumstances) as soon as practicable after the Master becomes aware of the event.
- 3.11 Damaging Buoys**- the Master of any vessel colliding with or cutting adrift a navigation mark or mooring buoy, or running into, fouling, or damaging any such mark buoy, mooring buoy or other seamark shall immediately report the incident to the Harbour Master.
- 3.12 Unseaworthy Vessel** - A person shall not cause a vessel in an unsafe or unseaworthy condition to navigate the harbour except as necessary for that vessel's safety and that of her crew, and she shall then proceed to such place as may be indicated by the Harbour Master.
- 3.13 Competent Person** - The Master and owner of a vessel underway in the harbour shall ensure that the vessel is under the control or direct supervision of a Competent Person.
- 3.14 Due Care for Vessels Engaged in Work** - The Master of a vessel shall navigate his or her vessel with due care and caution and at a speed and in such manner as not to cause injury to or endanger the lives of persons engaged in the laying or retrieving of moorings, navigational works, dredging works, salvage or construction works or underwater work.
- 3.15 Lights, impeding safe navigation** - Except in the interests of safe and proper navigation a person must not shine or display any lights, including lasers or other beams, in a manner which causes nuisance to or affects safe navigation.
- 3.16 Pyrotechnics** - Except in instances of distress or safety of proper navigation, a person must not use pyrotechnics within the harbour without the permission of the Harbour Master in writing.

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## Section 4. Commercial and Leisure Activities

- 4.1 Notice of Recreational Marine-side Event** - The organiser of any yacht, boat or leisure event that is proposed to take place on the waters of the harbour shall give not less than 4 weeks' notice in writing to the Harbour Master, and also submit a risk assessment of the event in accordance with the Port Marine Safety Code. The Harbour Master in special circumstances may agree to a shorter period of notice. Organisations and yacht clubs that have routine planned events such as weekly club racing may cover the requirement of this direction with an annual notification and generic risk assessment for the planned events. This notice and risk assessment must be reviewed and re submitted annually by the event organiser.
- 4.2 Fishing** - The Master of a vessel shall not use or permit it to be used to drift, trawl, or undertake any other net fishing in any part of the harbour so as to be or to be likely to become an obstruction or danger to the navigation of the harbour. The Master of a vessel engaged in fishing shall ensure that fishing nets are not left unattended, that bottom gear is not used in any fairway or channel or any area designated as small craft moorings or no anchoring and that any gear left unattended is marked so to be clearly visible by day and fitted with a light if deployed between sunset and sunrise.
- 4.3 Angling** - A person angling shall not impede the navigation of any vessel navigating within the harbour.
- 4.4 Demolition of vessels** - A person shall not intentionally or recklessly set fire to, detonate, destroy, break up or remove any vessel, wreck, or structure within the harbour without the prior written consent of the Harbour Master and then only in compliance with any reasonable instructions or conditions stipulated by them
- 4.5 Prohibited Activities** – A person shall not engage in any of the following activities without the written permission of the Harbour Master, given either specifically or generally, and only in such areas as may be designated and in compliance with such reasonable conditions as may be imposed.
- a) Towing of Persons anywhere within the harbour.
  - b) Kite Surfing anywhere within the harbour
  - c) Windsurfing, Paddle boarding, canoeing, or kayaking within the fairway, unless crossing the fairway expeditiously and on a heading as nearly as practicable at right angles to the general direction of traffic flow.
  - d) Spearfishing anywhere within the harbour.
  - e) Navigation of Hovercraft anywhere within the harbour.
  - f) Swimming within the fairways or in the vicinity of mooring or berthing facilities.
  - g) Jumping or diving into the water from any structure, pile, pontoon, jetty, pier, or buoy anywhere within the harbour.



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- 4.6 Underwater diving** - A person shall not undertake any underwater or diving activities of any kind within the harbour without a valid permit to dive from the Harbour Master.
- 4.7 Sailing in the Harbour** – The Master of any vessel fitted with sails and an auxiliary engine when navigating the harbour south of a line drawn due [east] of Five Trees Point shall proceed with the engine running and ready for immediate use, except in an emergency or with the permission of the Harbour Master.



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## Section 5. Mooring and Management of Vessels

- 5.1 Responsibility to securely moor** - The Master of a vessel remaining at a mooring within the harbour shall cause it to be properly and effectively moored, such that it is not only secure but also is not liable to cause any damage to any other vessel or property (including any pontoon, mooring or quay).
- 5.2 Cause obstruction**- The Master or owner of any vessel laying alongside or near any quay or other vessel within the harbour shall, during all the time such vessel shall lay or be moored or be stationed at or near such quay or other vessel, have the anchor or other equipment of the said vessel securely housed, with no projections outside of the rail of said vessel such as to cause obstruction to the vessels wishing to pass or moor alongside, without the prior written consent of the Harbour Master and then only in compliance with any reasonable instructions or conditions stipulated by them .
- 5.3 Moor as directed** - The Master of a vessel on entering the harbour shall if directed to a mooring by the Harbour Master proceed to the mooring to which he or she is directed. He or she shall not move to a different mooring without the express permission of the Harbour Master.
- 5.4 Vessels not to make fast to unauthorised objects** - A person shall not make a vessel fast to any post, fence, railings quay, ring, fender, aid to navigation or any other thing or place not assigned for that purpose.
- 5.5 Manning when anchored** - When conditions require or in any event when reasonably required by the Harbour Master, the Master of a vessel shall cause at least one Competent Person to be on board at all times whilst the vessel is anchored in the harbour.
- 5.6 Rafting** - In areas of the harbour where the Harbour Master requires vessels to raft together, the Master of a vessel must follow the Harbour Master's instruction to raft. Save, as aforesaid, the Master of a vessel shall make that vessel fast to any other vessel without the permission of the Master of such other vessel unless instructed to do so by the Harbour Master.
- 5.7 Access across decks** - The Master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required to do so by the Harbour Master, give free access across the deck of his or her vessel for persons and goods to and from vessels berthed alongside his or her vessel.
- 5.8 Anchoring** - The Master of a vessel shall not anchor the vessel, except in the case of an emergency, in the fairway, any other areas prohibited for anchoring, or areas designated as small craft mooring areas, or where they are likely to obstruct navigation.
- 5.9 Lost Anchor** - If any vessel laying within the harbour parts from its anchor, the Master of the vessel shall report the fact, including the position of the lost anchor forthwith to the Harbour Master.
- 5.10 Fouled Anchor** - If at any time a vessel's anchor hooks any mooring in the harbour, the Master of the vessel shall not proceed to clear the same but shall as soon as possible advise the Harbour Master in order that the Harbour Master may provide aid in clearing the mooring.

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- 5.11 Obstruction of Aids to Navigation** - The Master of a vessel shall not permit the vessel to obstruct or be attached to any aid to navigation including light, beacon, seamark, navigation buoy or mark, or tide pole within the harbour.
- 5.12 Public Landings** - A person shall not leave a vessel, vehicle, equipment, or other items so as to obstruct any public landing place, hard, pier, jetty, slipway, or training facility within the harbour.
- 5.13 Noise** - Except in the interests of safe and proper navigation, a person must not use a musical instrument, radio, television, amplification equipment, computer, loudspeaker, gong, horn, bell, engine, or generator in a manner which causes a nuisance to others.
- 5.14 Offensive fumes or smoke** - The Master of a vessel within the harbour having on board any offensive goods, including anything giving off a smell, fumes or smoke which may cause nuisance to other harbour users, shall so far as is practicable limit the effect on others. If required following instruction from the Harbour Master, the Master shall remove the vessel and/or the cause of the smell, fumes, or smoke from the harbour.
- 5.15 Open Fires on board a vessel** - Notwithstanding the contents of General Direction 5.14 the Master of a vessel at any location within the harbour shall not allow any fires on board, except for stoves, cookers or heaters fitted below deck or in a deck house, without the permission of the harbour master.
- 5.16 Discharge of Oil, Sewage and Garbage** – The Master of a vessel shall not permit or cause the discharge from that vessel into the harbour of any:
- a) Oil or oily residues/discharge.
  - b) Sewage or other pollutant materials into the harbour when moored alongside mooring facilities or alongside pontoon berths having direct pedestrian access to the shore
  - c) Garbage, plastics, or foodstuffs, except into designated receptacles ashore.
- 5.17 Use of navigation buoys as race marks** - The organiser of any yacht or boat race that is proposed to take place on the waters of the harbour shall not use a main fairway navigation buoy as a race mark, without the written permission of the Harbour Master.
- 5.18 Tampering with Equipment** - A person shall not without lawful authority displace or tamper with any safety or fire equipment within the harbour except in the event of an emergency.

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## Section 6. Council Property

- 6.1 Garbage and Waste** - A person shall not dispose of garbage or waste anywhere on the harbour premises, except in designated waste reception facilities.
- 6.2 Abandoned Vessels** - A person must not abandon a vessel anywhere in the harbour.
- 6.3 Damaging Property** - A person shall not trespass on, damage, or interfere with any light, beacon, seamount, navigational buoy or mark, tide pole or any advertisement, banner, or other form of notice within the harbour.
- 6.4 Angling** - A person using any part of the harbour premises for angling shall, before leaving the harbour premises remove any dirt, waste, or seaweed, which he or she may have deposited.
- 6.5 Carriage of Fuel** - A person shall not carry, store, or cause to be carried or stored on any vessel within the harbour any petrol or other inflammable fuel or inflammable gas in any receptacle, other than a receptacle specifically constructed for the purpose of carrying or storing the petrol, fuel or gas and originally intended by the manufacturer of the receptacle for the purpose.
- 6.6 A Person Shall Not**
- a) Except with the permission of the Harbour Master, deposit, or place on any part of the harbour premises any goods, material, or equipment, or park any vehicle so as to obstruct any road, building, moorings place, quay, slipway, plant, machinery or apparatus, or the access thereto; or
  - b) Without lawful authority, use, work or move any plant, machinery, equipment, or apparatus on the harbour premises.
  - c) Except with the permission of the Harbour Master leave any material, goods, or equipment on the harbour premises.
- 6.7 Safe Driving of Vehicles** - A person shall not drive or otherwise operate a vehicle on the harbour premises without due care and attention or without reasonable consideration for other person using the harbour premises and the owner of the vehicle shall not permit it to be so driven or operated.
- 6.8 Supervision of Vehicles** - The owner or other person having charge of a vehicle in the harbour premises shall not without the permission of the Harbour Master leave the vehicle unattended anywhere within the harbour premises, except in a marked-out parking bay with a valid ticket or permit.
- 6.9 Vehicle accidents to be reported** - The owner of and the person driving or otherwise operating a vehicle involved in an accident on the harbour premises whereby any injury is caused to any person or any damage is caused to any property shall report the accident to the Harbour Master and give his or her name, address, and details of his or her motor insurance to the Harbour Master.

## Section 7. Penalties



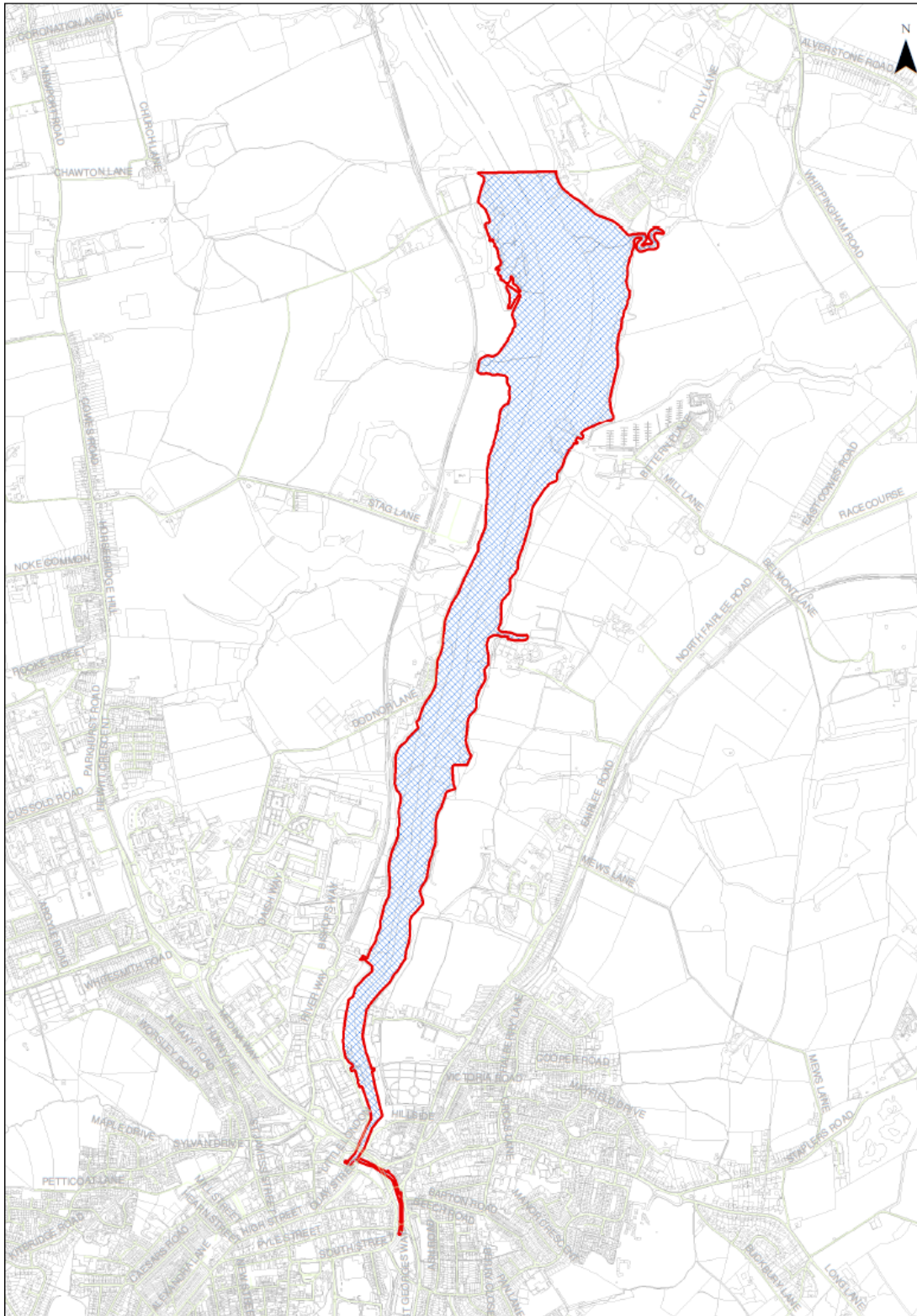
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**7.1 Failing to comply** - A person who fails to comply with a General Direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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**Section 8. Schedule 1 - Harbour Limits Plan**

**Newport Harbour's Limits**



**Section 8. Schedule 2 - Five Trees Point**

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