



**South Hams  
District Council**

Improving the well-being of the people of the South Hams

South Hams District Council

**Salcombe Harbour Authority**

# Consultation on Modification Bye-laws

## **Introduction**

With every year that passes the Salcombe Harbour gets busier and busier with leisure traffic. With this increase in the level of activity there has been an associated increase in the numbers of complaints resulting from excessive speed and the associated wash. The subject has been raised regularly by the Harbour Community Forums, in particular by the Salcombe and Kingsbridge Estuary Association, the Salcombe and Kingsbridge Estuary Conservation Forum and the Kingsbridge Estuary Boat Club.

In response to this stakeholder feedback the Harbour Authority is proposing an amendment to the Bye-laws. The opportunity has been taken to tidy up some other loose ends with regards to the registration of vessels and the inappropriate berthing of vessels in certain places within the harbour.

**The Modification Bye-laws is set out below and the Harbour Authority would welcome your views on the document.**

Please send any comments you may have on this consultation document to:

Salcombe Harbour Authority  
Whitestrans  
Salcombe  
Devon  
TQ8 8DU

Email: [Salcombe.harbour@southhams.gov.uk](mailto:Salcombe.harbour@southhams.gov.uk)

by 12 noon Friday 16 May 2008

# SOUTH HAMS DISTRICT COUNCIL

## Modification Bye-laws

Made by the South Hams District Council in exercise of the powers in section 37 of the Pier and Harbour Order (Salcombe) Confirmation Act 1954 and section 22 of the Harbours Act 1964 and of all other powers enabling them in that behalf.

### With respect to Salcombe Harbour

#### **Commencement of Bye-laws and Extent**

1. These Bye-laws apply to all parts of the Harbour of Salcombe within the jurisdiction of the South Hams District Council as defined by the Salcombe Harbour Order 1954, and come into operation on the expiration of one month starting on the date of their confirmation by the Secretary of State.

#### **Interpretation of Terms**

2. In these Bye-laws, unless the context otherwise requires, words and expressions have the same meanings as in the Salcombe Harbour Bye-laws made by the Council on 17<sup>th</sup> March 1994 (“the 1994 Bye-laws”).

#### **Revocations and Replacements**

3. Bye-law 19 of the 1994 Bye-laws is revoked and replaced with the following provision:

##### Registration of vessels

19. *The owner of a vessel who intends that that vessel will normally be kept within the harbour shall –*

- (a) insure the vessel and keep it insured with a reputable insurer against public liability to the value of not less than three million pounds (£3,000,000);*
- (b) register the vessel with the Harbour Master forthwith;*
- (c) display the registration sticker prominently on the vessel;*
- (d) thereafter register the vessel at intervals of not more than once a year; and*
- (e) inform the Harbour Master of the place where the vessel is kept.*

4. Bye-law 42 of the 1994 Bye-laws is revoked and replaced with the following provision:

Vessels not to be made fast to certain places

42. (1) No person shall make a vessel fast to any navigational buoy, light, beacon or mark within the harbour nor to the seaward (Eastern) side of the Whitestrand pontoon.

(2) The master of any vessel running into, fouling or damaging any of the navigational aids referred to in paragraph (1) shall as soon as reasonably practicable report the same to the Harbour Master.

5. Bye-law 43 of the 1994 Bye-laws is revoked and replaced with the following provision:

Vessels to navigate with care

43. The master of every vessel (including a vessel under way on the occasion of any boat or other race, regatta, procession or launch) shall navigate that vessel with such care and caution and at such speeds and in such manner as -

- (a) not to endanger the life of, or cause injury or discomfort to, any person ;
- (b) not to damage any other vessel, houseboat or other property;
- (c) not to interfere with the navigation, manoeuvring, loading or discharging of any vessel or houseboat;
- (d) not to interfere with any mooring or other property, any buoy, any land, building, works plant, landing steps, landing stage, pier, jetty or railings, or the banks of the harbour;
- (e) not unreasonably to interfere with the wildlife habitat of the harbour;

and shall cause the vessel to proceed slowly when passing a vessel engaged in dredging or other underwater work, or activity or work at a buoy or mooring, or in rescue work.

6. Bye-law 45 of the 1994 Bye-laws is revoked and replaced with the following provision:

Speed

45.(1) Except with the prior written permission of the Harbour Master, and Subject to paragraph (2), Bye-law 43 and the Collision Regulations the master of a power-driven vessel shall not permit or cause that vessel to be navigated or driven -

- (a) any where in the harbour at a speed exceeding eight knots through the water;
- (b) at a speed exceeding six knots through the water:

- (i) *within the area lying north of a line drawn between Salcombe and Smalls Cove (50°14'N) and south of a line drawn between Heath Point and Halwell Point (50°15'.1N) including all of the waters of Batson and Southpool Creeks; or*
- (ii) *within Kingsbridge Basin north of 50°16'.5N*

(2) *This Bye-law does not apply to any vessel which is-*

- (a) *by prior written agreement with the Harbour Authority designated as a rescue vessel, is clearly marked with the word "Rescue" and is acting for the purpose of rescue; or*
- (b) *being used for the purpose of an emergency; or*
- (c) *being operated for the purposes of the Royal National Lifeboat Institution.*

7. The provisions of Bye-laws 57 ("Penalties") and 58 ("Defences") of the 1994 Bye-laws extend to the provisions inserted into the 1994 Bye-laws by these Bye-laws.