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# Port of Exeter

**Harbour Directions**

# Harbour Directions

## What are they?

The Harbours Act 1964, as amended by the Marine Navigation Act 2013, provides a mechanism by which the Secretary of State may by Order designate harbour authorities with a power to make harbour directions to better regulate shipping and improve safety within their harbour area. Such harbour authorities are called “designated harbour authorities”.

(new sections 40A to 40D of the Harbours Act 1964, inserted by section 5 of the marine Navigation Act 2013).

# Harbour Directions

## What are they used for?

Harbour directions may be used by a designated harbour authority to regulate ships within their harbour, or entering or leaving their harbour. They may relate to the movement, mooring and unmooring, equipment and manning of ships. For example directions could be used:

- a. to regulate the use of any main navigation channel or fairway;
- b. to prescribe where and how vessels are to moor and move within the harbour;
- c. to ensure ships above a certain size have working radios to allow communication between harbour master and ship;
- d. to specify requirements for no deficiency in machinery; and,
- e. to ensure sufficient people with relevant experience crew specific types of ship.

# Harbour Directions

## Who will they apply to?

Harbour directions will only apply to ships as defined in the Harbours Act 1964. This Act defines a ship as including every description of vessel used in navigation, seaplanes and hovercraft. The Court of Appeal has held that to be used in navigation, a vessel must be used to make ordered progression from one place to another.

# Harbour Directions

## Why apply for Harbour Directions?

Harbour authorities are responsible for managing and running safe and efficient harbours. They have particular responsibilities in relation to the safety of vessels and people within the harbour, efficient navigation and the protection of the port environment.

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## Why apply for Harbour Directions?

- To meet these responsibilities effectively, harbour authorities have currently up to four powers available under their local legislation which they may use in regulating their harbour areas:
- Byelaws – power to issue byelaws which, subject to confirmation by the Secretary of State for Transport. Byelaws may apply to harbour land as well as the water;
- Special directions – power to issue directions in relation to individual ships in the harbour area for a specified purpose;
- General directions – power to issue directions in relation to all ships in the harbour area either in response to a particular occurrence or as a standing instruction to all ships or specified classes of ship;
- Pilotage directions – (applies to ‘competent harbour authorities’ only) power to direct that it is compulsory for a ship to be subject to pilotage – i.e. under the charge of either an authorised pilot or a master or first mate holding a pilotage exemption certificate

# Harbour Directions

## Why apply for Harbour Directions?

- If designated, a harbour authority will have an additional power:
- Harbour directions - power to issue directions in relation to ships in the harbour area, or entering or leaving the harbour.

# Harbour Directions

## Why apply for Harbour Directions?

Since its first publication in 2000, the Port Marine Safety Code (PMSC) has recommended that additional powers should be sought by a harbour authority, if a risk assessment concluded that it would be well advised to secure additional powers to support effective management of vessels in their harbour waters. Obtaining the powers to give harbour directions may meet such a recommendation

# Harbour Directions

## Consultation

- Consultation with Exe User Groups are likely to start in the next few weeks
- Process aim to finish initial consultation April 2016
- Further consultation will be ongoing
- Department for Transport are likely to consult with Exe User Groups also

# Harbour Directions

Deadline for expressions of interest:	31 January 2016
Deadline for formal applications	31 March 2016
Review of applications and preparation of material for consultation	April/July 2016
Public consultation on applications received (DfT lawyers to draft Designation Order concurrently)	September 2016
Analysis of responses received and preparation of Summary of Responses	November/December 2016
Making of Designation Order	Late February 2017
Order into force (first common commencement date)	6 April 2017

# Harbour Patrol Boat

Volunteers requested to assist with  
manning patrols

# Harbour Patrol Boat Objectives

- Promote Water Safety on the Exe
- Having a presence – increase time boat is out on the water
- Gather evidence & report users not complying with bye-laws or other unsafe behaviour
- Advise Exe users on effects of disturbance to wildlife
- General advice

# Harbour Patrol Boat

## Volunteer requirements

- RYA Powerboat Level 2 Qualification or above
- Good knowledge of navigating the Exe
- Available to volunteer during the peak season at weekends, bank holidays, school holidays etc
- Diligent and setting a good example
- Calm and understanding manner when dealing with other users

Thank you for your attention