

**FEEDBACK ON THE INFORMAL PUBLIC CONSULTATION ON  
THAMES BYELAWS 2012 AMENDMENTS  
(AUG / SEPT 2015)**

	Consultee	Organisation	Summary of Feedback
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**Byelaw 15**

1.	GUS LEWIS	Head of Legal & Government Affairs Royal Yachting Association	<p>We have no objection to the proposed amendments to Byelaws 15 and 49 or the proposed new Byelaw 58 of the Thames Byelaws 2012 or to the proposed revocation of Byelaw 9 of the Thames River Byelaws 1978. It might, however, aid consistency and clarity if the words “to be berthed or moored so as” were to be inserted at the beginning of proposed Byelaw 15(b) of the Thames Byelaws 2012, such that the provision reads:                      “(b) to be berthed or moored so as to obstruct or interfere with navigation, any public access to the Thames or the access to a dock entrance;”                      Alternatively, the words “to be berthed or moored” could be inserted after the words “the vessel” in the second line of Byelaw 15 and then omitted from the beginning of each of the sub-paragraphs accordingly.  <b><i>Thank you for your positive feedback. Your proposed changes have been incorporated.</i></b></p>
2.	ROBERT CRANE		<p>This seems to be a blanket imposition, which would materially affect the ability of a small craft casually to moor overnight whilst on passage.  <b><i>The purpose of this Byelaw is to address illegally moored vessels. There are notable differences between the tidal Thames, where the river bank is largely privately owned, and other waterways such as the canals where you are permitted to moor overnight along the sides of the canal network. The PLA continues to work with the recreational community to ensure sufficient temporary moorings for small craft. Clearly, in all such cases, the permission of the owner will be required for overnight mooring.</i></b></p>
3.	ANDY SOPER	Chairman – The Barge Association	<p>We are content with the proposed changes to Byelaws 9, 49 and 58.                      We do have concerns and would like to comment on two of your proposed changes to Byelaw 15.  <u>Byelaw 15b</u>                      15 The master of a vessel must not, without the permission of the Harbourmaster, cause or permit the vessel:                      (b) to obstruct or interfere with navigation, any public access to the Thames or the access to a dock entrance;                      We are concerned to know the purpose and thinking behind this change.                      On the face of it this would seem to turn a simple and sensible Byelaw (not to obstruct dock entrances) into something with much wider range. What is meant my "any public access to the Thames"? For example does it include the public:                      Hand launching a canoe from the riverbank? Sitting on the riverbank with their toes in the water?                      At low tide walking along the foreshore without being obstructed by a moored vessel?</p>

Feeding the ducks from the riverbank? Standing on the river bank with a view of the river unimpeded by a moored vessel?  
We do not consider that any of these reasons would warrant a ban on any vessel temporarily mooring near to or on the river bank.  
It may be that this new amendment arises from a recent case of a vessel squatting on the riverbank at Isleworth. We strongly support the removal of squatting vessels. However the amendment as worded seems to be a sledgehammer aimed at a nut. It is already very difficult for our barges to find moorings on the tidal Thames in the event of an emergency or if caught out by the tide. The new Byelaw would prevent or hinder not just long term squat moorings but also any temporary mooring. Can we suggest the addition of "for a period in excess of 24 hours" to at least the "any public access" part? This would achieve the aim of removing boats squatting but allow barges to moor in a genuine emergency or to sit out a tide.

Byelaw 15d

15 (d) to be berthed or moored to any work, structure, post, ring or other thing or place not provided for or unsuitable for that purpose.

The use of the final 'or' means that no vessel could moor to anything which has not explicitly been provided for the purpose of mooring, even if it is suitable for the purpose. It would prohibit our barges from mooring to driftwood barges or indeed to anything not specifically provided for the purpose of mooring to, including the riverbank and other barges legitimately moored even with their permission. It would also seem to prevent a moored barge owner from mooring his dinghy or runabout alongside their legitimately moored vessel, which is likely to be suitable for that purpose. Does this arise from the squatting boat incident mentioned above? Again it would prevent or hinder any emergency or temporary mooring by a barge. We suggest the addition of "for a period in excess of 48 hours" and the replacement of the final "or" with "and". It may be that a barge or small vessel might want to moor to another barge, with the owner's permission and without obstructing navigation, for a period in excess of 48 hours, and we don't see why that would always need the formal permission of the Harbourmaster.

I do hope you will note our comments and make some amendments to the proposals.

***The purpose of this Byelaw is to address those vessels which moor without the landowner's permission at various sites along the Thames. It is not the intention to prevent vessels from mooring in an emergency, such as following mechanical failure, but is intended to cover all eventualities for illegally moored vessels. There are notable differences between the tidal Thames, where the river bank is largely privately owned, and other waterways such as the canals where you are permitted to moor overnight along the sides of the canal network. The PLA continues to work with the recreational community to ensure sufficient temporary moorings for recreational craft, but it should be noted that Driftwood Barges should only be moored to in an emergency and following permission from London VTS. Clearly, in all such cases, the permission of the owner will be required for overnight mooring and the purpose of this Byelaw is to address those vessels that seek to moor illegally. To provide further clarity we propose to change Byelaw 15 to state: "15 Except in an Emergency the master of a vessel must not....."; and also the word 'unsuitable' in 15d).***

4.	DAVID BEAUMONT	Chairman – OPLAC	<p>Thank you for recent invitation to informally comment on your proposed changes to byelaws. We appreciate the opportunity to do this and I hope you will make use of our comments to moderate what perhaps is an initial over-reaction by the PLA to one incident. I spoke briefly to your CEO Robin Mortimer about these changes at the Thames Vision meeting last Friday; he confirmed my impression that the changes arose from the Isleworth squat boat incident in April.</p> <p>Therefore I have suggested some wording that might deal with such incidents by using a scalpel rather than a sledgehammer, with the benefit that it might no longer appear to some as the beginning of an assault on the Public's Right to Navigate the tidal Thames. You will find that DBA The Barge Association have similar concerns and have submitted almost (but not quite) identical comments.</p> <p>1. 15 (b)</p> <p>We would be interested to know the purpose and thinking behind this change. On the face of it this would seem to turn a simple and sensible byelaw (not to obstruct dock entrances) into something with much wider range. What is meant my "any public access to the Thames"? For example does it mean the public:</p> <ul style="list-style-type: none"> <li>• Hand launching a canoe from the riverbank?</li> <li>• Sitting on the riverbank with their toes in the water?</li> <li>• At low tide walking along the foreshaw without being obstructed by a moored vessel?</li> <li>• Feeding the ducks from the riverbank?</li> <li>• Simply standing on the river bank with a view of the river unimpeded by a moored vessel?</li> </ul> <p>We do not consider that any of these reasons would warrant a permanent ban on any vessel temporarily mooring to the river bank.</p> <p>We believe this new amendment arises from a recent case of a vessel squatting on the riverbank at Isleworth. We would of course support the removal of squatting vessels. However the amendment as worded seems to be a sledgehammer aimed at a nut. It is already very difficult for barges to find moorings on the tidal Thames in the event of an emergency or if caught out by the tide. The new byelaw would prevent or hinder not just long term squat moorings but also any temporary mooring. Can we suggest the addition of "for a period in excess of 48 hours" to at least the "any public access" part? This would achieve the aim of removing squat boats but allow genuine barges to moor in an emergency or to sit out a tide. We also think the byelaw should clarify what is intended to be meant by 'public access'.</p> <p>2. 15 (d)</p> <p>The use of the final 'or' means that no vessel could moor to anything which has not explicitly been provided for the purpose of mooring , even if it is suitable for the purpose. It would prohibit barges from mooring to rubbish barges or indeed to anything not specifically provided for the purpose of mooring to, including to riverbank and to other barges legitimately moored and granting their permission.</p> <p>It would also seem to prevent a moored barge owner from mooring his dinghy or runabout alongside their legitimately moored vessel, which is likely to be suitable for that purpose. Again we assume this arises from the squat boat incident mentioned above.</p>
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			<p>Again it would prevent or hinder any emergency or temporary mooring by a barge. We suggest the addition of "for a period in excess of 48 hours" and the replacement of the final "or" with "and"; it may be that a barge or small vessel might want to moor to another barge, with the owner's permission and without obstructing navigation, for a period in excess of 48 hours, and we don't see why that would always need the formal permission of the harbourmaster. As I'm sure you are aware, fees often follow closely behind formal permission.</p> <p><b><i>Please be assured that the intention of this amendment is to address those vessels which moor without the landowner's permission at various sites along the Thames. It is not the intention to prevent vessels from mooring in an emergency, such as following mechanical failure, but is intended to cover all eventualities for illegally moored vessels. There are notable differences between the tidal Thames, where the river bank is largely privately owned, and other waterways such as the canals where you are permitted to moor overnight along the sides of the canal network. The PLA continues to work with the recreational community to ensure sufficient temporary moorings for recreational craft, but it should be noted that Driftwood Barges should only be moored to in an emergency and following permission from London VTS. Clearly, in all such cases, the permission of the owner will be required for overnight mooring and the purpose of this Byelaw is to address those vessels that seek to moor illegally. To provide further clarity we propose to change Byelaw 15 to state: "15 Except in an Emergency the master of a vessel must not....."; and also the word 'unsuitable' in 15d).</i></b></p>
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**Byelaw 49**

4.	CHRIS LOWE	Trustee - Northern Exposure Rescue	<p>We welcome restrictions on the discharge of sewage into the river from commercial vessels and suggest that the timeline proposed of 2023 is excessively generous when compared to other waterways and the public expectation for our capital's river. Given the significant investment proposed by Thames Water to alleviate their impact on the River, we would respectfully suggest that the timescale is reduced to no more than 24 months which is more than enough to allow the retrofitting of holding tanks on commercial vessels. We recognise this will have an impact on the businesses that own the vessels but this impact is far outweighed by the environmental and human health implications caused by their continued discharge.</p> <p>I hope these comments enable you to take a much more robust approach when proposing dates for these regulations going forward.</p> <p><b><i>You make a reasonable point. However, 2023 has been identified as a suitable date in order to coincide with the completion of the Thames Tideway Tunnel, which will prevent many millions of gallons of raw sewage from entering the River. It also allows sufficient time to ensure adequate pump-ashore facilities are provided, and also the sometimes significant structural and equipment changes necessary on board vessels.</i></b></p>
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5.	RICHARD GRIFFITH	Chairman Strand on the Green Association	This amendment will only be effective if properly policed. At the Brentford riverbank by Waterman's there are a number of non licences and illegally moored houseboats in some places moored three abreast. How is it proposed to monitor any raw sewage discharge from these vessels? <b><i>The PLA will utilise a number of methods for monitoring and compliance with the Byelaws, including Harbour Service Patrols, reports from vessel operators, the Police, other service operator and importantly, evidence directly from members of the public. In addition, we will continue to work closely with other regulators, including the Maritime &amp; Coastguard Agency, Environment Agency, the Marine Management Organisation and Natural England.</i></b>
6.	PETER FINCH	Chairman – River Society	We are concerned at the long lead-in time for compliance with Byelaw 49.1 c. Giving operators until 2023 seems excessive and we would prefer this to read 2019. Alternatively , could it at least read : "from 1 January 2019, any commercial vessel fitted with toilet facilities operating above the Thames Barrier or from 1 January 2023 if operating entirely below the Barrier....." <b><i>You make a reasonable point. However, 2023 has been identified as a suitable date in order to coincide with the completion of the Thames Tideway Tunnel, which will prevent many millions of gallons of raw sewage from entering the River. It also allows sufficient time to ensure adequate pump-ashore facilities are provided, and also the sometimes significant structural and equipment changes necessary on board vessels.</i></b>
7.	ROBERT LUDLOW		My only comment is that 2023 is a long way away... Can't the date be brought forward in byelaw 49? <b><i>You make a reasonable point. However, 2023 has been identified as a suitable date in order to coincide with the completion of the Thames Tideway Tunnel, which will prevent many millions of gallons of raw sewage from entering the River. It also allows sufficient time to ensure adequate pump-ashore facilities are provided, and also the sometimes significant structural and equipment changes necessary on board vessels.</i></b>
8.	JOHN SPENCER	Managing Director – GPS Marine	I would like to see the byelaw clearly expanded to apply to load line and SCV craft below 400GT that come to work in the Thames for short periods. That is not craft that come in and leave, but those that enter the port to work on projects in the Thames. <b><i>The Byelaw, as drafted, clearly extends the requirement to these vessels i.e. <u>all</u> commercial vessels fitted with toilet facilities. We are advised that no further, specific wording is necessary.</i></b>
9.	COLIN MIDDLEMISS		The issue causing most concern is the amendment to Byelaw 49 concerning the discharge of sewerage into the River Thames. This is an immense and potential expensive measure for the whole River. It deserves much more time than just a standard four week consultation so that a proper assessment and plan can be drawn up to tackle the issue. We would therefore ask that more be allowed for consultation. <b><i>This first, informal public consultation lasts 6 weeks, in line with our long-established policy. This will be followed by the statutory 4 week formal public consultation.</i></b>  That said with the investment going into the Thames Tideway Tunnel, the Company supports the initiative of improving the River Thames water quality for which sewage discharge from passenger boats is just one small

		The Company of Watermen and Lightermen of the River Thames	<p>contributing factor. However it seems to the Company that a number of measures need to be in place first before such a measure is adopted namely:</p> <ol style="list-style-type: none"> <li>1. There needs to be an agreed and detailed plan as to how all Classes of vessel can dispose of sewage and what on and off shore infrastructure is needed in advance. In this regard sewage discharge into the non-tidal Thames has long been prohibited. There are various pump out facilities provided by the Environment Agency along the length of the river from Teddington to Lechlade, all available at typically £ 10 -£15 per shot. Some of the various marina facilities and some the passenger vessel operators have their own facility.</li> <li>2. An assessment of every vessel is made to assess the practicality of installing holding tanks without undermining construction and stability requirements, with exceptions granted for vessels that cannot comply. Some research also needs to be undertaken into alternatives to holding tanks and discharges ashore, i.e. chemical treatment and on-board sewage treatment plants.</li> </ol> <p><b>How individual vessel operators comply with the requirements of Byelaw 49 is primarily a matter for the vessel operator, and where appropriate, the relevant licensing authority. The Maritime &amp; Coastguard Agency is aware of these proposals, and the PLA has been working closely with the owners and operators of the vessels subject to the Byelaw that it licences, for several years, in order to achieve a smooth transition. Appropriate pump-out facilities are a relevant and important point. The PLA is already engaged with vessel operators in this respect.</b></p>
10.	ROGER FLITTER	Operations Manager - BM	<p>We fully support the initiative of improving the River Thames water quality for which sewage discharge from passenger boats is one contributing factor to the status quo. However, in order to be able to comply with revised legislation there are some critical pre-conditions as follows:</p> <ol style="list-style-type: none"> <li>1. <u>Shore Infrastructure</u> In order to meet the proposed legislation date there must be adequate shore based pump out facilities provided.</li> <li>2. Vessel infrastructure Vessels will have to be surveyed and assessed for their capacity and structure to accept the inclusion of facilities to store and/or process black water.</li> </ol> <p>We recommend that with the above high level principles of meeting compliance stated above, the next steps are for the PLA to meet with stakeholders to discuss the feasibility of achieving the revised bye-law. There is no doubt that this must include identifying ownership and therefore costs of compliance.</p> <p><b>Thank you for your support for the amendment to Byelaw 49. Your points are well made. As you will be aware, the PLA is already in dialogue with British Marine regarding your concerns about shore and vessel infrastructure.</b></p>
11.	BRIAN CLARK	Head of External Relations – British Marine	<p>British Marine supports any initiative to improve the quality of water in the River Thames. The livelihood of our members operating in the tourism industry and the future of the wider British Marine industry really does rely on well maintained marine environment. This byelaw will have the most significant impact on our members who operate Passenger Boats and so British Marine support those comments already submitted by the PBA. In order to be able to comply with revised legislation there are some critical pre-conditions our membership have identified:</p>

			<p><u>Shore Infrastructure</u> In order to meet the proposed legislation date there must be adequate shore based pump out facilities provided. We believe these fall into three main categories as follows:</p> <p><u>Vessel infrastructure</u> Vessels will have to be surveyed and assessed for their capacity and structure to accept the inclusion of facilities to store and/or process black water.</p> <p>British Marine looks forward to working with the PLA on this matter and will continue to engage with all sectors of our membership, ensuring we provide robust evidence of the impacts this amendment will have on our industry during the second phase of the consultation process.</p> <p><b><i>Thank you for your support for the amendment to Byelaw 49. Your points are well made. As you will be aware, the PLA is already in dialogue with British Marine regarding your concerns about shore and vessel infrastructure.</i></b></p>
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### Byelaw 58

12.	ANDY SNAZELL	Emergency Planning & Resilience Manager – Southwark Council	<p>One comment regarding the amendments – and it may be covered by further guidance that I’m unaware of – apologies if it is.</p> <p>With regard to the new Byelaw 58 - how will this be determined and who has the authority to do so?</p> <p><b><i>The Harbour Master already has the power to issue a Special Direction to a vessel if he is of the opinion that navigational safety is or is likely to be compromised. This would stop a person under the influence of drink or drugs from continuing to navigate a vessel. An offence under this Byelaw would be proven by the provision of suitable evidence obtained by the Police, using established powers and testing methods, under the provisions of the Railways and Transport Safety Act.</i></b></p>
13.	ROBERT CRANE		<p>I think that this could be stiffened - something on the lines of: “...substance to such an extent as materially to affect the capability of taking charge .....”</p> <p>I don't see that that this clause can be implemented effectively without introducing a blood alcohol limit.</p> <p><b><i>Thank you for your positive feedback and comment. The wording has been amended, taking your comments into account.</i></b></p>
14.	JOHN SPENCER	Managing Director – GPS Marine	<p>This byelaw must have teeth so that people can be both tested and prosecuted. I would like to see a specific reference to being able to test and prosecute in response to a report of a positive test by others – i.e. perhaps an owner undertaking a routine D&amp;A test.</p> <p><b><i>An offence under this Byelaw would be proven by the provision of suitable evidence obtained by the Police, using established powers and testing methods, under the provisions of the Railways and Transport Safety Act. The PLA’s Code of Practice strongly recommends that commercial vessel operators implement and enforce an effective drug and alcohol policy.</i></b></p> <p>I would like to suggest that the byelaw relating to the navigation lights to be displayed by tugs pushing barges ahead should be reviewed such that these regulations on the Thames are the same as those on the Rhine.</p>

			<p>The proposal is that pusher tugs pushing craft ahead will display three stern lights arranged horizontally, side lights and a single mast head light. A barge being pushed ahead or the forward most barge in the port rank of barges being pushed ahead should display 3 white lights with the same characteristics as a mast head light arranged in a triangle with the apex uppermost. When operating above Cherry Garden Pier barges being pushed ahead would also require the forward coamings to be illuminated in line with recent discussions at the NRAWG for large craft working through Central London.</p> <p><b>Thank you. Your comments relating to Thames Byelaw 35 are noted and appreciated. As you know, we are currently undertaking a review of the management of commercial vessels in central London and will take your comments into account as part of that process.</b></p>
15.	SIMON ALLEN	Waterman & Dock Pilot	<p>58.1 "any other natural or manufactured substance". Surely too many words. In my opinion simply "any other substance" would suffice.</p> <p><b>Thank you. The wording has been amended, taking your comments into account.</b></p>

### River Byelaw 9

16.	BOB GARDNER		<p>Byelaw 9 of the Port of London River Byelaws 1978 (as amended) is revoked."</p> <p>Might it not be better to have:</p> <p><b>4. REVOCATION OF BYELAWS</b></p> <p><del>Except for byelaw 9,†</del> <i>(this is my attempt to show a deletion)</i></p> <p>The Port of London River Byelaws 1978 (as amended) are revoked in their entirety.</p> <p><b>Thank you. The proosed amendments have been changed accordingly.</b></p>
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### Supportive Response / No Comments:

Ian Lyons  
Susan Davidson - Communications Assistant - MMO  
Pat Rigby  
Sam Orchard - Environment Monitoring Officer (Marine) - Environment Agency  
Julie Morris – Environment Agency