

Harbour Byelaws

THE GRAMPIAN REGIONAL COUNCIL HARBOURS BYELAWS 1991

The Grampian Regional Council in exercise of its powers under Section 30 of the Grampian Regional Council (Harbours) Order 1987 and of all other enabling powers hereby make the following byelaws:-

PART I : PRELIMINARY

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| Title | 1. These byelaws may be cited as The Grampian Regional Council Harbours Byelaws 1990. |
| Division into Parts | 2. These Byelaws are divided into parts, as follows:-

Part I Preliminary

Part II Interpretation

Part III Entry into, exit from and navigation within a harbour area and the use of harbour waters

Part IV Berthing and mooring

Part V Cargoes, ballasting, vehicular loads and materials brought on to harbour premises

Part VI Regulation of vehicular traffic

Part VII Health, safety and amenity

Part VIII Fire Precautions

Part IX Fishing vessels and fish markets

Part X Miscellaneous

Part XI Penalties

Part XII Revocation of previous byelaws

Schedule Definitions of harbour areas |
| Application of Byelaws | 3. These byelaws shall apply to the harbour areas at Banff, Buckie, Burghead, Cullen, Findochty, Gourdon, Hopeman, Johnshaven, Macduff, Portknockie, Portsoy, Rosehearty and Stonehaven, as defined in the schedule here to and as shown on the plans executed as relative to these byelaws. |

PART II: INTERPRETATION

4. – In these byelaws, unless the context otherwise requires,
(1) the following words and expressions shall have the several meanings applied to them:-

“berthed” when used in relation to a vessel means secured to a pier, quay, jetty, wharf, wall, bank, pontoon, stage or dolphin or to any other vessel so secured;

“Collision Regulations” means the Regulations for the Prevention of Collisions at Sea made under Sections 21 and 22 of the Merchant Shipping Act 1979 or any amending enactment;

“Competent person” means an individual who possesses such qualification, training or experience that he is competent to perform the duties required of him;

“the Council” means the Grampian Regional Council;

“fairway” means any navigable channel in a harbour area which is marked, dredged or maintained as such by the Council;

“fish” means any type of wet fish, including shellfish but excluding packed fish;

“fish market” means any part of harbour area which has been specifically designated by the Council or temporarily designated by the harbourmaster for the purchase and sale of fish and includes any part of harbour premises which has been specifically reserved for the parking of vehicles used for the transportation of fish;

“fish market superintendent” means any person appointed by the council to superintend the landing of fish and the regulation of traffic and persons within, and connected with, a fish market;

“fishing vessel” means any description of craft used for the transportation or storage of wet fish, whether used in navigation or not, but does not include a craft when used -

(a) for the principal purpose of carrying passengers or goods other than fish, or

(b) solely for sport or recreation;

“goods” means all wares, merchandise and articles of every description, including fish (whether wet or packed) and livestock of all descriptions and oils, liquids and gases;

“harbour area” means a sea area within which the Council for the time being exercises jurisdiction as a harbour authority under section 3 of the Grampian Regional Council (Harbours) Order 1987, and includes any harbour premises adjacent thereto;

“harbour craft” means any vessel which is normally employed within a harbour area for the carriage of goods or for towing, attending on ships, construction works, wharves or jetties, or for patrolling or inspection duties;

“harbour premises” means the quays, piers, landing places and all other works, land and buildings for the time being vested in or occupied or administered by the Council as harbours authority;

“harbourmaster” means any person appointed as such pursuant to section 3 of the Grampian Regional Council (Harbours) Order 1987, and includes his deputies, assistants and any person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbourmaster;

“machinery” means all cranes, weighing machines, plant and equipment which belong to or are leased by the Council in its capacity as harbour authority or which belong to third parties and are located at harbour premises with the permission of the harbourmaster;

“master”, when used in relation to a vessel, means any person for the time being having or taking the command, charge or management of a vessel and includes the skipper of a fishing vessel;

“moored”, when used in relation to a vessel, means any vessel -

(a) made fast to a mooring chain or mooring buoy either ahead or astern or both at a mooring which is assigned by the harbourmaster for that purpose,

(b) made fast against any other vessel made fast, or

(c) made fast both ahead and astern by anchor in a position which has been approved by the harbourmaster;

“mooring” includes anchoring;

“owner” means -

(a) in relation to goods, any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of the same, including any other person in charge of the goods and his agent in relation thereto;

(b) in relation to a vessel, any part owner, broker, charterer, agent or mortgagee in possession thereof; and

(c) in relation to a vehicle, any part owner or agent or person having charge of the vehicle for the time being;

“pier” includes any pier, quay, jetty, bridge, wharf or other landing place in a harbour area;

“radio-controlled apparatus” means a machine or other appliance (including a model) the operation of which is controlled by radio waves;

“vehicle” means any form of vehicle or conveyance, whether designed for the conveyance or movement of person, animals, goods or materials, vessels or otherwise, and includes a cradle;

“vessel” means every description of vessel, however propelled or moved, and includes -

(a) any thing constructed or used to carry persons or goods by water;

(b) any rig, platform or other man-made structure on or in navigable water;

(c) a seaplane on or in the water, a hovercraft and hydrofoil vessel;

(d) any other structure capable of floating on water (or which would be so capable if in proper repair) and used or capable of being used in habitation;

but does not include any houseboat constructed for or used by five or less persons;

“wet fish” includes all fish, molluscs, and crustaceans, whether living or dead, but does not include -

- (a) fishmeal, fish manure or fish guano, or
 - (b) fish molluscs or other crustaceans which are, or have been, tinned, frozen solid in blocks or otherwise processed;
- (2) For the avoidance of doubt, the byelaws in Part IX of these byelaws shall -
- (a) apply in addition to, and not instead of, any other these byelaws, and
 - (b) prevail over any other of these byelaws where there is any inconsistency.
- (3) The marginal notes to these byelaws are inserted for convenience of reference only and shall not in any manner affect the construction of meaning or affect anything contained in these byelaws.

PART III: ENTRY INTO, EXIT FROM AND NAVIGATION WITHIN A HARBOUR AREA AND USE OF WATERWAYS

- Vessel awaiting to berth 5. The master of a vessel within a harbour area who awaits the permission of the harbourmaster to berth shall so manoeuvre the vessel as not to obstruct the ordinary course of navigation of other vessels which are entering, leaving or moving within the harbour area.
- Report on arrival 6. On the arrival of any vessel in a harbour area, the master of the vessel shall, if required by the harbourmaster, furnish to him a declaration of the following particulars, namely:-
- (a) the name and description of the vessel;
 - (b) the gross and nett tonnage of the vessel;
 - (c) the name of the master;
 - (d) the vessel's last port of call and its next immediate destination after leaving the harbour area;
 - (e) the port of registration of the vessel;
 - (f) the draught of the vessel forward and aft on arrival and on departure;
 - (g) full particulars of the cargo;
 - (h) the number of passengers; and
 - (i) the name and address of the owner of the vessel.
- [NOTE: In terms of Section 24 of the Grampian Regional Council (Harbours) Order 1987, the master of a vessel which is entering or leaving or intending to enter or intending to leave a harbour area shall, if required to do so by the harbourmaster, state the length overall and draft maximum of the vessel.]
- Care and caution 7. The master of a vessel shall navigate the vessel with such care and caution and at such speed and in such a manner as not to endanger the lives of or cause injury to persons or damage to property nor to interfere with the loading or unloading of other vessels or with moorings or other property, and the Collision Regulations shall apply.

[NOTE: Any person who navigates a vessel in contravention to the Collision Regulations renders himself liable to prosecution in terms of the Merchant Shipping Act, 1979, or any amending enactment.]

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| Navigation through mooring areas | 8. | The master of a vessel shall not navigate through a mooring area unless he is about to moor the vessel or leave a harbour area. |
| Use of engines while vessel moored or berthed | 9. | The master of a vessel, when it is moored or at rest in a harbour area, shall not cause or permit the engines of the vessel to be worked in such a manner as to cause injury or damage to the bed or banks of a harbour area or to any other vessel or property. |
| Collisions, defective vessels, obstructed fairway | 10. | <p>The master of a vessel which –</p> <p>(a) has been involved in a collision with any vessel (unless both or all vessels involved are engaged in racing under International Yacht Racing Union Rules) or property in a harbour area or has been sunk or grounded or become stranded in a harbour area, or</p> <p>(b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property, or</p> <p>(c) in any manner gives rise to an obstruction to a fairway,</p> <p>Shall forthwith report the occurrence to the harbourmaster. As soon as practicable thereafter, the master shall provide the harbourmaster with full details in writing. Where the damage to a vessel is, in the opinion of the harbourmaster, such as to affect or be likely to affect its seaworthiness, the master shall not move the vessel, except to clear the fairway or to moor in safety, otherwise than with the permission and in accordance with the directions of the harbourmaster.</p> |
| Ropes and fenders | 11. –
(1) | The master of a vessel which navigates within a harbour area shall be equipped with good and sufficient ropes or warps ready for use and capable of securing the vessel safely. |

- (2) The master of a vessel which goes alongside another or berths at a pier which itself is not adequately fendered shall cause the vessel to be equipped with a sufficient number of fenders (the offside vessel fending off from the inside one). Fenders shall be constructed so as to ensure that they do not sink, if lost overboard.
- (3) The master of a vessel shall immediately report to the harbourmaster any rope, fender or like device which has been dropped overboard and has not yet been recovered from the harbour waters.
- Lost anchor, cable or propeller 12. –
- (1) The master of a vessel which has slipped, parted from or lost any anchor, chain, cable or propeller shall forthwith notify the harbourmaster and, if possible, identify to him the position of such anchor, chain, cable or propeller.
- (2) If the harbourmaster so directs, the master of the vessel shall leave a buoy to mark the position of the said anchor, chain, cable or propeller and, where practicable, cause the said anchor, chain, cable or propeller to be recovered as soon as possible.
- Navigation with regard to divers, dredging, obstructions 13. The master of a vessel underway shall cause the vessel to go at minimum navigable speed when it is within 30 metres of any location where sunken vessels or other obstructions are being lifted or removed, where moorings are being drawn or fixed, where underwater or diving operations are in progress, or when it is passing a vessel which is engaged in dredging operations. When passing such obstructions or operations, he shall so navigate the vessel as to cause no danger, injury, damage or interruption to the said operations.
- Navigating whilst under influence of drink or drugs 14 - (1) No person shall navigate or attempt to navigate a vessel while unfit by reason of drink or drugs.
- (2) The master of a vessel who knowingly causes or permits any person to navigate or attempt to navigate the vessel in contravention of this byelaw shall in addition to that person be in breach of this byelaw.
- Obstruction of 15. – The master of the vessel, whether it is under power of

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| fairways | (1) | sail, which is not confined to a fairway, shall not make use of the fairway so as to cause obstruction to other vessels which are confined to navigate within the fairway, and shall give such vessels a clear course and as wide a berth as safe navigation requires. |
| | (2) | Enter or cross a fairway except when the fairway in the vicinity of the vessel is clear, and he shall so navigate the vessel as not to impede or endanger the navigation of other vessels in the fairway. |
| | (3) | The master of a vessel which is crossing, turning or manoeuvring in a fairway shall so navigate the vessel as not to hamper, impede or cause damage to any other vessel. |
| Regulation of bathing, diving and underwater activities | 16. – (1) | No person shall bathe, dive or engage in any activity in or under the water in any part of the harbour area where such activities are prohibited by notice of the Council. |
| | (2) | Any person who bathes, dives or engages in any activity in or under the water so far as permitted by this byelaw shall immediately cease that activity when so instructed by the harbourmaster and shall refrain from that activity for so long as the harbourmaster withholds his consent. |
| Regulation of waterski-ing aqua-planing and para-kiting | 17. – (1) | No person shall engage in or take part in waterski-ing, aqua-planing, kiting, parachute-towing or similar water or airbourne activities in a harbour area, except with permission in writing from the Council or a person authorised by the Council in that behalf given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as the Council may impose. |
| | (2) | The master of a vessel who knowingly causes or permits any person to navigate or to attempt to navigate the vessel in contravention to this byelaw shall in addition to that person be in breach of this byelaw. |
| Regulation of dragging without permission | 18. – (1) | No person shall drag or grapple any material or article or remove any material or article from a harbour area where dragging or grapping is prohibited by notice of the Council. |
| | (2) | Any person who drags or grapples any material or article so far as permitted by this byelaw shall immediately cease when so instructed by the harbourmaster and shall refraining from such activity for so long as the |

		harbourmaster withholds his consent.
Launching of dinghies, etc, and hauling up in a harbour area	19. – (1)	Except for the purpose of launching a dingy or like vessel into, or removing it from a harbour area, no person, without the permission in writing of the harbourmaster, shall -
	(a)	use or cause to be used a vehicle for the purpose of towing or moving such a vessel, or
	(b)	Otherwise haul any such vessel on to any pier or harbour premises.
	(2)	Any master of such a vessel which has been hauled up on to a beach in a harbour area shall cause it to be removed when so requested by the harbourmaster.
Breaking up of vessels	20.	No person shall break up the vessel or permit or cause it to be broken up in a harbour area without the permission in writing of the harbourmaster and in accordance with such reasonable conditions as he may impose.
Regulation of fishing	21. – (1)	No person shall fish in a harbour area as so to interfere with navigation or where fishing is prohibited by notice of the Council.
	(2)	Any person who fishes so far as permitted by this byelaw shall immediately cease when so instructed by the harbourmaster and shall refrain therefrom for so long as the harbourmaster withholds his consent.
	(3)	In this byelaw “fishing” refers to fishing from any pier or from any vessel in a harbour area, and shall include the setting of creels, traps, boxes, nets and related activities.
Boat races, regattas, public processions, etc	22. – (1)	The organiser of any boat race, regatta, public procession or any similar event, when a number of vessels or persons might be expected to assemble in a harbour area, shall obtain permission in writing from the Council not less than 28 days prior to the intended date of the event.
	(2)	The organiser shall ensure that the event is conducted in accordance with any conditions which are imposed by the Council and subject to the instructions of the

harbourmaster, including in particular, any requirements he may impose in respect of the courses to be followed by vessels and the time limits within which the event may take place.

PART IV: BERTHING AND MOORING

- Berthing, mooring and removal – to be subject to harbourmaster’s instructions
23. – For a vessel to be berthed, moored or unmoored or removed in terms of this byelaw, the master thereof shall ensure that there is a sufficient number of competent persons readily available to receive and implement the orders or instructions of the vessel of the harbourmaster, to supervise the moorings of the vessel and to deal with any emergency, In particular, without prejudice to the foregoing generality and except as otherwise may be agreed by the harbourmaster in writing, the master of the vessel shall -
- (1) (a) Use authorised moorings only and shall not lay out any moorings, buoys or other apparatus for any purpose,
 - (b) So moor his vessel as not to interfere with the navigation of other vessels or with navigational aids, or to obstruct any slip, stair or landing place at a harbour area, and
 - (c) ensure that the anchor of another vessel shall not be used as a mooring, and that the vessel remains properly and effectively moored when it is berthed or lying at a pier.
- (2) The master of a vessel which has unloaded shall, when required by the harbourmaster, instantly remove the vessel from the pier to make room for other vessels to unload.
- (3) Notwithstanding the provisions of sub-section (1) of this byelaw, the master of a vessel may seek, and the harbourmaster may, in his discretion, grant in writing and subject to such conditions as circumstances dictate, a waiver of the requirement as to the ready availability of competent persons, always provided that the master of the vessel shall lodge with the harbourmaster the names and addresses of competent persons in the vicinity who may be contacted to attend to the vessel, as required by this byelaw.
- Security of moorings of “tiered” vessels
24. The master of a vessel which is moving or being moved from its moorings in a tier of vessels shall ensure that the moorings of any other vessels which are disturbed in the process are to the extent of any disturbance made safe.

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| Moorings for harbour craft | 25. | The master of a vessel which does not belong to or work for the Council shall not cause the vessel to be moored at any mooring which is provided specifically for harbour craft and clearly marked as such. |
| Fouled moorings | 26. | If at any time the anchor of a vessel fouls any mooring or electric or other cable within the harbour area, the master of the vessel shall forthwith give notice thereof to the harbourmaster and shall, if it is safe and practicable, await his instructions before taking any clearing action. |
| Lights on vessels at moorings | 27. | The master of a vessel which lies or is moored at a pier shall, when required by the harbourmaster, during the hours of darkness cause to be exhibited on the outside of the vessel a white light visible in normal visibility at a distance of at least one mile, provided that in the event of there being two or more vessels which lie moored in a tier, the light shall be exhibited by the outermost vessel of the tier. |

**PART V: CARGOES, BALLASTING, VEHICULAR LOADS AND MATERIALS
BROUGHT ON TO HARBOUR PREMISES**

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| Loading and unloading of cargo and ballast:
harbourmaster's permission | 28. –
(1) | The master of a vessel shall not proceed to load cargo or ballast on to or unload cargo or ballast from the vessel without the permission of the harbourmaster. |
| | (2) | The master of a vessel, while loading or unloading cargo or ballast, shall supervise, or appoint another competent person to supervise, the operation. |
| Matter falling into waters of harbour area or on to harbour premises: parts of vessel, cargo, gear, equipment and other materials | 29. –
(1) | Where any person causes or suffers - |
| | (a) | any part or component of a vessel or any part of the cargo of a vessel or the load of a vehicle, or any gear or equipment connected therewith, or |

- (b) any ballast, coals, stones, earth, ashes, dust, shavings, chips of wood, cinders, fish, fish offal, rubbish, refuse, sewage, garbage, oil waste or other material, whether solid or liquid,
- to fall or escape from, or to be blown from or to leak from a vessel or vehicle or otherwise to be deposited at harbour premises, he shall notify the harbourmaster of the occurrence and shall take such corrective measures as the harbourmaster may instruct.
- (2) In particular and without prejudice to the generality of sub-section (1) of this byelaw -
- (a) the master of a vessel on to or from which such cargo, gear or equipment or material is being loaded or unloaded shall, to the satisfaction of the harbourmaster ensure that a sufficient tarpaulin, canvas, polythene sheet or chute is so fastened to the vessel and vehicle or other receptacle, as the case may be, as effectively to prevent any material from falling into a harbour area or on to harbour premises,
- (b) the master of a vessel or the owner of a vehicle from which such cargo, load, gear or equipment or material falls, escapes or otherwise becomes deposited in a harbour area or on to harbour premises, shall report the incident to the harbourmaster, including the circumstances and the position, nature and quantity of the material, if known.
- (c) the master of a vessel or the owner of a vehicle from which such cargo, load, gear or equipment or material is to be unloaded pending removal from harbour premises by land or sea, may, with the permission in writing of the harbourmaster and subject to such conditions as he may impose, lay down such materials at harbour premises for temporary storage,
- (d) the owner of a vehicle on to which such load, gear or equipment or material has been loaded shall cause it to be properly secured and be in such a position that neither danger nor nuisance is likely to be caused to any person or property.

- (3) For the avoidance of doubt and without prejudice to sub-section (2) above, the provisions of this byelaw shall apply to any equipment or materials used in connection with the maintenance or repair of a vessel.
- (4) This byelaw shall not apply to the leakage on to harbour premises from a catch or load of wet fish in process of immediate delivery to or removal from harbour premises, to the leakage or discharge of uncontaminated water from a cooling system or to any substance, the discharge or escape of which is subject to the provisions of any other enactment.
- Cargo of timber 30. The master of a vessel from which cargo of timber is being unloaded into a harbour area shall -
- (a) ensure that there is a competent person and a sufficient number of other persons in the waters of the harbour area to keep the timber together in the immediate vicinity of the vessel from the time of the unloading until the timber is rafted and the rafting shall take place as expeditiously as possible after the unloading of the timber,
- (b) ensure that the maximum breadth of any raft shall not exceed that which the harbourmaster has specified and that all rafts are properly fastened at both ends,
- (c) in the case of a vessel with a cargo of heavy timber, provide a float or platform upon which the timber shall be unloaded, so that the timber shall not sink, and
- (d) ensure that any timber does not drift and is securely moored, prior to its being uplifted.

PART VI: REGULATION OF VEHICULAR TRAFFIC

- Regulation of vehicles 31. No person when driving or propelling a vehicle shall disobey the instructions of the harbourmaster or a police officer who is engaged in the regulation of traffic at harbour premises.

- Driving 32. No person shall drive any vehicle on or over any

restrictions		road, bridge, pier, caisson or other place at harbour premises in contravention of any notice that may be posted at the entrance or approach thereto, which notice specifies any requirement of limitation as to the class, size or the weight of the vehicle or as to the speed at which it may enter or pass over that place.
Supervision of vehicles	33.	The owner of a vehicle at harbour premises shall at all times comply with any instructions of the harbourmaster with respect to the loading, unloading, manoeuvring and removal thereof, and he shall not, without the permission of the harbourmaster, leave the vehicle unattended on harbour premises other than in any location designated for the parking of vehicles.
Parking of vehicles	34.	<p>No person shall at harbour premises park or cause to be parked any vehicles -</p> <p>(a) so as to obstruct any pier, mooring place, road, building, plant, machinery or apparatus or any access thereto, except with the permission of the harbourmaster,</p> <p>(b) in contravention of any sign or other road marking which prohibits parking at any particular location,</p> <p>(c) in contravention of any instruction which may be issued by the harbourmaster, the fish market superintendent or a police constable, or</p> <p>(d) during the hours of darkness in contravention of statutory requirements with regard to the maintenance and use of front and rear position lamps, rear markings, rear registration plate lamps and side marker lamps as apply to vehicles using public roads.</p>
Driving on weighbridges	35.	No person shall drive or otherwise operate a vehicle across any weighbridge at harbour premises except for the purpose of weighing the vehicle.
Accidents to be reported	36.	Any person driving or otherwise operating a vehicle which is involved in an accident at harbour

premises whereby any injury is caused to any person or animal or any damage is caused to any property, whether moveable or not, shall stop the vehicle and forthwith report the accident to the harbourmaster or, in his absence the police, and shall give his name and address and details of his vehicle registration and insurance cover to the harbourmaster or the police, as the case may be.

PART VII: HEALTH, SAFETY AND AMENITY

Hatches to be closed at night	37.	The master of a vessel shall at all times by night keep its hatches closed, unless either - (a) the vessel is in course of being loaded or unloaded, or (b) there remains on board the vessel a competent person responsible for guarding the open hatches.
Access across decks	38. – (1)	The master of a vessel which is berthed shall permit free passage across or over the deck of the vessel for the purpose of unloading or loading the cargo, ballast, fuel, stores or other articles required for the repair of any other vessel or vessels which lie further off from the pier. (2) The master of the vessel shall, for any of the said purposes, give on the vessel every facility for the placing by the master or masters of the other vessel or vessels of gangways or planks and also, if required by the harbourmaster, for the rigging of any tackle.
Stowage of sails, riggings, etc.	39.	The master of the vessel which is berthed in a harbour area shall ensure that its sails, riggings, spars, anchors, fittings and any projections (other than projections which are integral parts of the vessel) are properly stowed.
Silencers on internal combustion engines	40. – (1)	No master of a vessel which is propelled by an internal combustion engine shall cause or permit the engine to be operated unless the engine is fitted with a silencer which is suitable and sufficient to reduce so far as may be reasonably possible the noise caused by the escape of exhaust gases from the engine. (2) Any master of a vessel who knowingly causes or permits any person to operate the engine in contravention of this byelaw shall himself be in breach of this byelaw.
Radio-controlled equipment or models	41.	No person shall in a harbour area use any radio-controlled equipment or models without the permission in writing of the harbourmaster, and then only on such conditions as he may impose.

Obstruction or interference at harbour	42.	No person shall except with the permission of the harbourmaster, deposit or place in any part of a harbour area any goods, materials, equipment or commodities so as to obstruct any road, building, mooring place, plant, machinery or apparatus or access thereto.
Use, etc., of plant, etc., at harbour premises	43.	No person shall -
	(a)	use, work, move, interfere with or remove any plant, machinery, equipment or apparatus in a harbour area, except with the permission in writing of the harbourmaster, and with the authority of the owner, or
	(b)	except with the permission of the harbourmaster and, where appropriate the statutory undertaker, use or interfere with any electricity, gas or water supply on harbour premises.
Fumigation of vessels	44. –	
	(1)	No person shall cause or permit a vessel to be fumigated without the permission in writing of the harbourmaster.
	(2)	The master of a vessel to be fumigated, or a competent person nominated by him to take charge of the fumigation, shall implement any instructions which may be given by the harbourmaster in relation to the fumigation.
Lifesaving	45. –	
	(1)	No person shall use or interfere with any lifesaving apparatus or appliance provided by the Council in a harbour area or at harbour premises other than for the purposes of life saving, testing or maintaining the apparatus or appliance.
	(2)	No person shall place any vehicle, machinery or goods in such a position as to obstruct access to any lifesaving apparatus or appliance.

PART VIII: FIRE PRECAUTIONS

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| Fire precautions on board vessels | 46. | The master of a vessel in a harbour area shall take all due precautions for the prevention of accident by fire. |
| Fire precautions | 47. | No person at any harbour premises shall, except with the permission in writing of the harbourmaster, strike or kindle any flame or fire or operate apparatus capable of producing combustion or carry any flame or fire whether it is covered or naked: provided that nothing in this byelaw shall prohibit -

(a) On any vessel, in the saloons, cabins, crew's quarters and galleys, or for the purpose of heating main or donkey boilers, the use of fires consuming only coal or other fuels approved by the Council or the harbourmaster or, in the use of oil burning vessels, fuel oil with a flash point of not lower than 65% Celsius, or

(b) The use of lighters or matches at those parts of harbour premises referred to in Byelaw 49 for the purpose of smoking there, or

(c) The proper use of ship repairing equipment in or on any vessel for which the master has been granted the permission in writing of the harbourmaster. |
| Flammable materials | 48. –
(1) | Any person in charge of any flammable substance which is in, upon or about harbour premises or upon the deck of a vessel within a harbour area shall cause it immediately to be removed to a place of safety.

(2) No person shall boil or heat any flammable substance in, on or about harbour premises or on board a vessel within a harbour area except in such place and in such manner as may be permitted in writing by the harbourmaster. |
| Smoking | 49. | No person shall smoke tobacco or any other herb or substance in any part of harbour premises -

(a) where smoking is prohibited by notice of the Council, or |

- (b) when he is instructed by the harbourmaster to cease smoking and he shall then refrain from smoking until so permitted by the harbourmaster.
- Fire appliances, etc. 50. –
(1) No person shall use or interfere with any fire appliance of fire apparatus or the contents thereof other than for the purpose of extinguishing a fire or for the purposes of testing or maintaining the appliance or apparatus.
- (2) No person shall place any vehicle, machinery or goods in such a position as to obstruct access to any fire appliance or apparatus.
- Electric welding plant 51. No person shall -
- (a) use any welding plant or cutting plant within a harbour area or on a vessel therein or cause the plant to be used within 30 metres of any vessel, or
- (b) cause or permit a vehicle carrying any such plant to enter harbour premises,
- except with the permission in writing of the harbourmaster and subject to such conditions as he may impose.

PART IX: FISHING VESSELS AND FISH MARKETS

- Allocation and conservation of space and unloading and removal of fish 52. –
(1) Where -
- (a) the master of a fishing vessel, or
- (b) the owner of a vehicle,
- has a catch of fish for immediate unloading at a fish market, he shall -
- (i) take the space allocated to him by the harbourmaster or the fish market superintendent, remove his vessel or vehicle there from as soon as his catch is sold or withdrawn from the sale, and otherwise implement any of the instructions of the harbourmaster or the fish market superintendent with regard generally to the conservation of space at the fish market, and

- (ii) cause the catch of fish to be unloaded as a continuous operation, unless the harbourmaster or the fish market superintendent otherwise permits.
- (2) Where the master of a fishing vessel or the owner of a vehicle does not take up the space allocated to his vessel or vehicle, as the case may be, because either -
 - (a) he seeks to postpone the time at which the catch is unloaded, or
 - (b) he otherwise fails to enable the catch to be unloaded immediately,

He shall implement any instructions which may be issued by the harbourmaster or the fish market superintendent with regard to the removal of the vessel or the vehicle, as the case may be, to another location to enable the space to be relocated.

[NOTE: Fishing vessels shall be allocated space at a fish market with reference to their time of arrival there, unless the master of the vessel or owner of the vehicle, as the case may be, specifically requests that the time of unloading be postponed.]

- | | | |
|-------------------------|--------------|---|
| Time of fish sales | 53. | No person shall sell fish by auction outwith such times as the harbourmaster or fish market superintendent may decide. |
| Admission to fish sales | 54. | No person shall, except with the permission in writing of the harbourmaster or the fish market superintendent, enter into a fish market prior to an auction other than those who are engaged in the landing, buying, selling, tallying, weighing and sorting of fish (whose names shall be lodged with the fish market superintendent) and the members of the crew of any fishing vessel which has a catch of fish to unload. |
| Fish sales | 55. –
(1) | No person shall sell fish by auction at harbour premises outwith a fish market or any part of harbour premises which has been temporarily designated as such. |

- (2) No person, except with the permission of the harbourmaster or fish market superintendent, shall move within a fish market any fish which has been landed for sale by auction prior to the conclusion of the sale.
- (3) At the conclusion of a fish sale, fish salesmen shall ensure that fish which is unsold shall be removed from the fish market.
- Processing of fish at harbour premises 56. –
- (1) No person shall cause any fish to be gutted, packed, cleaned, cured or otherwise processed -
- (a) except with the permission in writing of the harbourmaster, in a harbour area or at harbour premises outwith a fish market, or
- (b) Except with the permission in writing of the harbourmaster or the fish market superintendent, in a fish market.
- (2) Where any person is granted permission in terms of sub-clause (1) of this byelaw, he shall observe or implement any conditions which may be imposed by the harbourmaster or by the fish market superintendent, as the case may be. In particular, he shall, unless otherwise granted permission in writing, remove any fish box, barrel, package or other article which is used in connection with the buying, selling, gutting, packing, cleaning, curing or other processing of fish, from harbour premises within such time as may be specified by the harbourmaster or the fish market superintendent.
- Livestock 57. No person shall cause or permit any livestock (other than fish) which belongs to him to enter into or to remain in a fish market.
- PART X: MISCELLANEOUS**
- Boarding vessels 58. The master of a vessel shall afford to the harbourmaster, on the production of his authority, if so required, all reasonable facilities for the inspection and examination of the vessel when it is reasonably required by him for the purpose of ascertaining whether any relevant part of these byelaws is being duly observed.
- Vessels to have 59. The owner of any vessel which is not registered as

name marked on	a ship under the Merchant Shipping Act, 1894, as amended, and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification, unless this requirement has been waived in writing by the Council.
Persons on board	<p>60. – (1) No person shall proceed on board nor remain on board a vessel in a harbour area unless he has official business on board the vessel or has been invited on board the vessel by the owner or master.</p> <p>(2) The master of the vessel shall be responsible for the orderly conduct of any such person on board.</p>
Regulation of commerce on vessels	61. No person shall, except with permission in writing from the Council and subject to such reasonable conditions as the Council may impose, use or cause or permit to be used any vessel which is moored in a harbour area (other than a vessel used <u>bona fide</u> for navigation) for the purpose of carrying on thereon any trade, profession or other business.
Regulation of retailing	62. No person shall without the permission in writing from the Council retail any article of merchandise (other than fish in terms of Part IX of these byelaws) in any part of harbour premises.
Loitering at harbour premises	63. No person shall loiter at premises and any person shall, when so ordered by the harbourmaster or a police constable, leave the harbour premises.
No prostitutes on board vessels	64. No master or member of the crew of any vessel in a harbour area shall permit any person to board or remain on board a vessel in a harbour area for the purpose of prostitution.

Penalties

PART XI: PENALTIES

65. –
(1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the harbourmaster in the exercise of the powers conferred on him by these byelaws shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (2) Where the commission of an offence under these byelaws by any person is due to the act or default of some other person, that other person shall be guilty of an offence and that other person may be charged with, and convicted of, the offence by virtue of this byelaw, whether or not proceedings for the offence are taken against any person other than him.
- (3) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove –
- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, or
- (b) that he had a reasonable excuse for his act or failure to act.

PART XII: PVIOUS BYELAWS

66. All the byelaws made by the Council or their predecessors in relation to any harbour areas are hereby revoked.

Made by the Grampian Regional Council on the Eighth day of February, Nineteen Hundred and Ninety.

Alan G. Campbell

Confirmed by the secretary by virtue of section 202 of the Local Government (Scotland) Act 1973.

P. S. Collings

LS

An Assistant Secretary in the Scottish Office
Agriculture and Fisheries Department

**Scottish Office
Edinburgh**

4 April 1991

SCHEDULE HARBOUR AREAS

The areas of water in the Moray Firth and North Sea below the level of high water and bounded as follows –

BANFF HARBOUR AREA

Commencing at a point (latitude 57° 40.216' N, longitude 2° 31.692' W) on the level on high water 300 metres west of the coastguard station at Banff;

thence in a straight line in a northerly direction for a distance of 1405 metres to a point (latitude 57° 40.216' N, longitude 2° 31.692' W);

thence in a straight line in an easterly direction for a distance of 989 metres to a point (latitude 57° 40.984' N, longitude 2° 30.687' W);

thence in a straight line in a southerly direction for a distance of 1548 metres to a point in Banff Bay (latitude 57° 40.150' N, longitude 2° 30.675' W) 660 metres due north from Banff Bridge;

thence in a straight line in a westerly direction for a distance of 554 meters to a point (latitude 57° 40.150' N, longitude 2° 31.232' W) on the eastern side of the landward end of the harbour quay;

thence by the level of high water to the point of commencement.

BUCKIE HARBOUR AREA

Commencing at a point (latitude 57° 40.768' N, longitude 2° 58.075' W) (known as Rook Craig) on the level of high water opposite Baron Street in Seatown;

thence in a straight line in a westerly direction for a distance of 768 metres to a point (latitude 57°40.760' N, longitude 2° 58.848' W);

thence in a straight line in a northerly direction for a distance of 1106 metres to a point (latitude 57° 41.356' N, longitude 2° 58.865' W);

thence in a straight line in an easterly direction for a distance of 2003 metres to a point adjacent to East Muck Rock (latitude 57° 41.370' N, longitude 2° 56.850' W);

thence in a straight line in a southerly direction for a distance of 600 metres to a point (latitude 57° 41.047' N, longitude 2° 56.850' W) on the level of high water between Whale's Wig and Bents Point;

thence by the level of high water to the point of commencement.

BURGHEAD HARBOUR AREA

Commencing at a point (latitude 57° 41.976' N, longitude 3° 29.279' W) on the level of high water opposite the southern end of Park Street in Burghead;

thence in a straight line in a westerly direction for a distance of 1052 metres to a point (latitude 57° 41.965' N, longitude 3° 30.337' W)

thence in a straight line in a northerly direction for a distance of 638 metres to a point (latitude 57° 42.309' N, longitude 3° 30.348' W)

thence in a straight line in an easterly direction for a distance of 577 metres to a point (latitude 57° 42.318' N, longitude 3° 29.786' W)

thence in a straight line in a southerly direction for a distance of 95 metres to a point on the level of high water (latitude 57° 42.267' N, longitude 3° 29.768' W) 100 metres northwards of the coastguard station;

thence by the level of high water to the point of commencement.

CULLEN HARBOUR AREA

Commencing at a point (latitude 57° 41.587' N, longitude 2° 49.653' W) on the level of high water at the mouth of the Burn of Cullen;

thence in a straight line in a northerly direction for a distance of 392 metres to a point (latitude 57° 41.798' N, longitude 2° 49.653' W);

thence in a straight line in an easterly direction for a distance of 388 metres to a point (latitude 57° 41.798' N, longitude 2° 49.263' W);

thence in a straight line in a southerly direction for a distance of 252 metres to a point (latitude 57° 41.662' N, longitude 2° 49.263' W) on the level of high water adjacent to the eastern extremity of the northern pier;

thence by the level of high water to the point of commencement.

FINDOCHTY HARBOUR AREA

Commencing at a point (latitude 57° 41.934' N, longitude 2° 54.402' W) on the level of high water 120 metres north of the Findochty War Memorial;

thence in a straight line in a northerly direction for a distance of 518 metres to a point (latitude 57° 42.213' N, longitude 2° 54.402' W);

thence in a straight line in an easterly direction for a distance of 289 metres to a point (latitude 57° 42.213' N, longitude 2° 54.111' W);

thence in a straight line in a southerly direction for a distance of 316 metres to a point (latitude 57° 42.043' N, longitude 2° 54.111' W) on the level of high water on the southern shore of Crooked Hythe:

thence by the level of high water to the point of commencement.

GOURDON HARBOUR AREA

Commencing at a point (latitude 56° 49.663' N, longitude 2° 17.018' W) on the level of high water at the landward extremity of the breakwater;

thence in a straight line in a southerly direction for a distance of 445 metres to a point (latitude 56° 49.423' N, longitude 2° 17.018' W);

thence in a straight line in a westerly direction for a distance of 206 metres to a point (latitude 56° 49.423' N, longitude 2° 17.220' W);

thence in a straight line in a northerly direction for a distance of 419 metres to a point (latitude 56° 49.649' N, longitude 2° 17.220' W) on the level of high water on the eastern side of Ware Hole;

thence by the level of the high water to the point of commencement.

HOPEMAN HARBOUR AREA

Commencing at a point (latitude 57° 42.564' N, longitude 3° 26.392' W) on the level of high water 280 metres westwards from the landward end of the western quay at Hopeman Harbour;

thence in a straight line in a northerly direction of 460 metres to a point (latitude 57° 42.812' N, longitude 3° 26.404' W);

thence in a straight line in an easterly direction for a distance of 601 metres to a point (latitude 57° 42.817' N, longitude 3° 25.799' W);

thence in a straight line in a southerly direction for a distance of 314 metres to a point (latitude 57° 42.648' N, longitude 3° 25.787' W) on the level of high water 200 meters east of the landward end of the eastern quay at Hopeman Harbour;

thence by the level of high water to the point of commencement.

JOHNHAVEN HARBOUR AREA

Commencing at a point (latitude 56° 47.686' N, longitude 2° 19.856' W) on the level of high water adjacent to Fore Street 160 metres east of the landward end of the eastern pier at the harbour at Johnshaven.

thence in a straight line in a southerly direction for a distance of 373 metres to a point (latitude 56° 47.485' N, longitude 2° 19.856' W);

thence in a straight line in a westerly direction for a distance of 286 metres to a point (latitude 56° 47.485' N, longitude 2° 20.137' W);

thence in a straight line in a northerly direction for a distance of 171 metres to a point (latitude 56° 47.577' N, longitude 2° 20.137' W) on the level of high water adjacent to the landward end of the western pier at the harbour at Johnshaven;

thence by the level of high water to the point of commencement.

MACDUFF HARBOUR AREA

Commencing at a point (latitude 57° 40.157' N, longitude 2° 30.126' W) on the level of high water adjacent to Union Road 200 metres westwards of the landward end of the west pier at Macduff Harbour;

thence in a straight line in a westerly direction for a distance of 546 metres to a point (latitude 57° 40.150' N, longitude 2° 30.675' W);

thence in a straight line in a northerly direction for a distance of 1548 metres to a point (latitude 57° 40.984' N, longitude 2° 30.687' W);

thence in a straight line in an easterly direction for a distance of 183 metres to a point (latitude 57° 40.992' N, longitude 2° 29.497' W);

thence in a straight line in a southerly direction for a distance of 1166 metres to a point (latitude 57° 40.364' N, longitude 2° 29.487' W) on the level of high water known as The Floors;

thence on the level of high water to the point of commencement.

PORTKNOCKIE HARBOUR AREA

Commencing at a point (latitude 57° 42.243' N, longitude 2° 51.871' W) on the level of high water at Portknockie Hythe 250 metres east of the promontory called Long Man;

thence in a straight line in a northerly direction for a distance of 306 metres to a point (latitude 57° 42.408' N, longitude 2° 51.871' W);

thence in a straight line in an easterly direction for a distance of 198 metres to a point (latitude 57° 42.408' N, longitude 2° 51.672' W);

thence in a straight line in a southerly direction for a distance of 111 metres to a point (latitude 57° 42.348' N, longitude 2° 51.672' W) on the level of high water on the western side of Port Hill;

thence on the level of high water to the point of commencement.

PORTSOY HARBOUR AREA

Commencing at a point (latitude 57° 41.140' N, longitude 2° 41.487' W) on the level of high water lying between Doonie Point and The Breeks;

thence in a straight line in a northerly direction for a distance of 212 metres to a point (latitude 57° 41.254' N, longitude 2° 41.487' W);

thence in a straight line in an easterly direction for a distance of 373 metres to a point (latitude 57° 41.254' N, longitude 2° 41.112' W);

thence in a straight line in a southerly direction for a distance of 54 metres to a point (latitude 57° 41.225' N, longitude 2° 41.112' W) on the level of high water on the western side of Links Bay;

thence on the level of high water to the point of commencement.

ROSEHEARTY HARBOUR AREA

Commencing at a point (latitude 57° 42.046' N, longitude 2° 07.045' W) on the level of high water at Hungry Hoy;

thence in a straight line in a northerly direction for a distance of 182 metres to a point (latitude 57° 42.144' N, longitude 2° 07.045' W);

thence in a straight line in an easterly direction for a distance of 306 metres to a point (latitude 57° 42.144' N, longitude 2° 06.737' W);

thence in a straight line in a southerly direction for a distance of 334 metres to a point (latitude 57° 41.964' N, longitude 2° 06.737' W) on the level of high water 120 metres north-east of the junction of Shore Street with Union Street;

thence on the level of high water to the point of commencement.

STONEHAVEN HARBOUR AREA

Commencing to a point (latitude $56^{\circ} 57.647'$ N, longitude $2^{\circ} 11.946'$ W) on the level of high water at the western end of the break water next to Bellman's Head;

thence in a straight line in a northerly direction for a distance of 145 metres to a point (latitude $56^{\circ} 57.725'$ N, longitude $2^{\circ} 11.946'$ W);

thence in a straight line in an easterly direction for a distance of 530 metres to a point (latitude $56^{\circ} 57.725'$ N, longitude $2^{\circ} 11.423'$ W);

thence in a straight line in a southerly direction for a distance of 364 metres to a point (latitude $56^{\circ} 57.529'$ N, longitude $2^{\circ} 11.423'$ W);

thence in a straight line in a westerly direction for a distance of 155 metres to a point (latitude $56^{\circ} 57.529'$ N, longitude $2^{\circ} 11.576'$ W) on the level of high water at Downie Point;

thence on the level of high water to the point of commencement.