



HARBOUR BYELAWS
2003

Scrabster Harbour Trust
Harbour Office
Scrabster
Thurso
KW14 7UJ

CONTENTS

| Byelaw | Detail | Page No |
|---|--|----------------|
| PART I – PRELIMINARY | | |
| 1 | Title | 6 |
| 2 | Interpretation | 6 |
| 3 | Application | 8 |
| PART II – NAVIGATION | | |
| 4 | General regulation of traffic | 9 |
| 5 | Vessels not to obstruct the entrance | 9 |
| 6 | Closure of harbour to incoming or outgoing traffic..... | 9 |
| 7 | Entry to harbour | 9 |
| 8 | Small vessels not to obstruct a fairway | 9 |
| 9 | Speed of vessels | 9 |
| 10 | Conduct of vessels within the harbour | 10 |
| 11 | Vessels to keep clear of obstructions | 10 |
| 12 | Vessels not to approach vessels taking in or discharging dangerous goods | 10 |
| 13 | Lighting of vessels berthed in the harbour | 10 |
| PART III - REGULATION OF VESSELS IN DISTRESS | | |
| 14 | Conduct of vessels aground | 11 |
| 15 | Lights and shapes to be exhibited | 11 |
| 16 | Proper lookout to be kept..... | 11 |
| 17 | Notification of collision | 11 |
| 18 | Abandonment of vessels | 12 |
| PART IV - MOORING, BERTHING AND WATCHKEEPING | | |
| 19 | Mooring and berthing vessels | 13 |
| 20 | Vessels not to leave berth without the authority of the of harbour master | 13 |
| 21 | Harbour master to have free access | 13 |
| 22 | Anchors not to interfere with navigation | 13 |
| 23 | Vessels not to be made fast to navigation buoys or marks | 14 |
| 24 | Vessels to be made fast to equipment on quay | 14 |
| 25 | Vessels not to use harbour authority or RNLI moorings ... | 14 |
| 26 | Provision of proper fenders..... | 14 |
| 27 | Recovery of fenders | 14 |
| | Sufficiency of crew | |
| 28 | Vessel to be kept in a movable condition | 15 |
| 29 | | 15 |

| | | |
|----|--|----|
| 30 | Fumigation | 15 |
| 31 | Vessel adrift | 16 |
| 32 | Restrictions on fuelling vessels at certain berths | 16 |
| 33 | Obstructing accesses | 16 |

PART V - CARGO HANDLING AND ACCESS TO VESSELS

| | | |
|----|-----------------------------------|----|
| 34 | Loading and unloading cargo | 17 |
| 35 | Access across decks | 17 |
| 36 | Access to vessels | 17 |

PART VI - MISCELLANEOUS RESTRICTIONS ON VESSEL MOVEMENTS

| | | |
|----|---|----|
| 37 | Restriction of launching | 18 |
| 38 | Restriction on usage of the harbour slipway..... | 18 |
| 39 | Restrictions on provision of towage services | 18 |
| 40 | Dredging, etc. | 18 |
| 41 | Diving operations | 18 |
| 42 | Navigation under influence of drink or drugs | 19 |
| 43 | Public events | 19 |
| 44 | Water skiing, aquaplaning, boardsailing, swimming, etc .. | 19 |
| 45 | Laying down moorings, buoys and other tackle | 20 |
| 46 | Lost anchor, cable or propeller | 20 |
| 47 | Navigation of small craft | 20 |
| 48 | Harbour lights | 21 |
| 49 | Fire precautions | 21 |

PART VII - REGULATION AND CONTROL OF PERSONS, USE OF VEHICLES AND MANAGEMENT OF GOODS

| | | |
|----|---|----|
| 50 | Use of life-saving equipment | 22 |
| 51 | Smoking prohibited in vicinity of combustible materials and liquids | 22 |
| 52 | Restriction of access to harbour works | 22 |
| 53 | Defacement of property prohibited | 22 |
| 54 | Climbing on harbour buildings/equipment prohibited | 22 |
| 55 | Interference with harbour operations prohibited..... | 23 |
| 56 | Loitering prohibited | 23 |
| 57 | Meetings and gatherings | 23 |
| 58 | Unauthorised exhibitions prohibited | 23 |
| 59 | Interference with vessels' moorings prohibited | 23 |
| 60 | Unauthorised boarding of vessels prohibited | 23 |
| 61 | Breaking up of vessels..... | 24 |
| 62 | Drift or trawling nets, creels or pots not to obstruct | 24 |

| | | |
|----------------------------------|---|----|
| 63 | vessels | 24 |
| 64 | Restrictions on animals..... | 24 |
| 65 | Use of flammable materials | 25 |
| | Control of flammable materials | |
| 66 | Supervision of fires | 25 |
| 67 | Fireworks | 25 |
| 68 | Restrictions on parking | 25 |
| 69 | Obstruction by vehicles | 26 |
| 70 | Control of vehicles | 26 |
| 71 | Control of cranes and cargo-handling appliances | 26 |
| 72 | Safe driving of vehicles | 26 |
| 73 | Accidents to be reported | 27 |
| 74 | Unauthorised trading prohibited | 27 |
| 75 | Reporting weight and amount of cargo etc. | 27 |
| 76 | Requirements as to handling of goods on the quays | 27 |
| 77 | Storage and maintenance of goods | 27 |
| 78 | Abandoning of goods prohibited | 28 |
| 79 | Weighing and measuring | 28 |
| 80 | Rubbish not to be thrown into the harbour area | 28 |
| 81 | Operation of the Emergency services..... | 28 |
| PART VIII - PENALTIES | | |
| 82 | Penalties | 29 |
| Signatories | Scrabster Harbour Trust..... | 30 |
| | Scottish Ministers..... | 30 |
| Annexes | Schedule 1 – Scrabster Harbour Limits | |
| | Schedule 2 – Creel/Pot Storage Area | |

BYELAWS – 2003

The Scrabster Harbour Trust in exercise of the powers conferred on them by Section 99 of the Scrabster Harbour Act , 1841; Section 83 of the Harbour, Docks and Piers Clauses Act, 1847; Section 5 of the Scrabster Harbour Revision Order (1970/1094), 1970; Section 10 of the Scrabster Harbour Order Confirmation Act, 1989; and all other powers them enabling, hereby make the following byelaws.

Part I Preliminary

Part II Navigation

Part III Regulation of vessels in distress

Part IV Mooring berthing and watchkeeping

Part V Cargo handling and access to vessels

Part VI Miscellaneous restrictions on vessel movements

Part VII Regulations and control of persons, use of vehicles and Management of goods

Part VIII Power of Police and penalties

PART I

PRELIMINARY

1. Title

These byelaws shall be known as the Scrabster Harbour Trust Byelaws - 2003 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Scottish Ministers.

2. Interpretation

In these byelaws unless the context otherwise requires:

"aquaplaning" see "water-skiing";

"Collision Regulations" means regulations for the prevention of collision made under the Section 21 of the Merchant Shipping Act ,1979;

"commercial traffic" means traffic consisting of all vessels except

- i) small craft making use of the harbour for any purpose including access to and departure from the fishing harbours, and
- ii) fishing vessels using the harbour for the purpose of access to and departure from the fishing harbours.

"goods" include fish, livestock, animals, minerals, wares and merchandise of every description;

"harbour" means all that area referred to in Schedule 1 attached hereto;

"harbour authority" means the Scrabster Harbour Trust as defined by Section 1 of the Scrabster Harbour act, 1841 and section 3 of the Scrabster Harbour Revision Order, 1993;

"harbour master" means the person appointed as such pursuant to paragraph 51 of the Harbours, Docks and Piers Clauses Act, 1847, and includes his authorized deputies, assistants and members of his staff and any other person authorized by the harbour authority to act in that capacity;

"harbour premises" means the quays, piers, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the authority within the harbour;

"hovercraft", see "vessel";

"instructions" shall include, in the case of instructions issued by the harbour master, instructions delivered orally, in writing, by semaphore or light signal and if orally or in writing shall include orally by radio telephony or in writing by radio telegraphy;

"land" includes land covered by water and any interest in land;

"master" includes every duly authorized person having command or charge of any

vessel and in the case of an abandoned vessel, the registered owner at the time of the vessel's entering the harbour;

"owner" shall include in relation to a vessel any part owner, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

"owner" shall include in relation to goods any consignor, consignee, shipper or agent for sale, custody or control of such goods;

"parascending" means any activity wherein a person or persons are towed by or carried on a power-driven vessel with the intention that the person or persons so towed or carried shall become airborne by virtue of their being harnessed to a kite, parachute, balloon, glider or similar apparatus;

"power driven vessel" means any vessel which is propelled wholly or partly by machinery;

"quay" shall include any breakwater, stairs, stage or landing place, landing stage, jetty, pier, floating barge or pontoon and any dock or wharf and any bridge or other work connected therewith;

"sailing vessel" means a vessel designed to carry sail, whether as the sole or primary or supplementary means of propulsion;

"small craft" includes any vessel of not more than 20 metres in length and whether navigated by sail, oars or internal combustion engine or by any other means;

"vehicle" means any vehicle intended or adapted for use on roads and includes any trailer, caravan, mobile house, mobile crane, dynamo or other plant, and such vehicle may be self-propelled or may require separate and independent means of propulsion;

"vessel" includes any ship, boat, rig, platform, pontoon, submersible or hovercraft as defined in the Hovercraft Act 1968 or any other description of vessel of whatsoever construction and whether self-propelled or otherwise and includes any part of a vessel whether in-use or out-of-use, seaworthy or unseaworthy;

"water-skiing" means any activity wherein a person or persons are towed by a power-driven vessel and are supported on skis or a disc or sled or inflatable tube or cylinder or similar apparatus, and "aquaplaning" has a like meaning;

"wreck" includes any vessel which as a result of stranding, hull or engine damage, abandonment or any other cause constitutes in the opinion of the harbour master, a hazard or objectionable presence in the harbour;

"yacht club" means the Pentland Firth Yacht Club or any premises belonging to the same.

3. Application

These byelaws shall be of effect only within the areas delineated by a thick black line on the map annexed as Schedule 1 to these byelaws. Providing that nothing in these byelaws shall be construed as derogating from the powers conferred upon the harbour master otherwise than by these byelaws.

PART II

NAVIGATION

4. General regulation of Traffic

The master of every vessel entering, leaving, or manoeuvring within the harbour shall so enter, leave or manoeuvre at all times in accordance with such instructions as may be delivered to him by the harbour master.

5. Vessels not to obstruct the entrance

The master of every vessel waiting within the harbour entrance shall so manoeuvre such vessel at all times so as not to obstruct vessels entering or leaving the harbour.

6. Closure of harbour to incoming or outgoing traffic

Without prejudice to the generality of the powers conferred upon the harbour master, and in any case when he is of the opinion that for navigational or any other reason the harbour shall not be open to free movement of any vessel either into or out of the harbour, the harbour master may close the harbour to either incoming or outgoing traffic, or both, of any class, and in such circumstances he shall pass such instructions to those vessels so effected.

7. Entry to harbour

The master of a vessel arriving at or passing through the harbour shall, if required by the harbour master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

8. Small vessels not to obstruct a fairway

The master of a small vessel which is not confined to a fairway shall not intentionally or recklessly make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

9. Speed of vessels

Except in the case of emergency the master of a vessel other than a vessel navigated by sail shall not cause or permit his vessel to proceed in any part of the harbour at a speed in excess of 5 knots over the ground. Provided that in circumstances where the harbour master is satisfied that it is unsafe for any vessel to proceed at a speed of 5 knots or less, he may authorise the master of such a vessel to proceed at such speed in excess of 5 knots as he shall specify.

10. Conduct of vessels within the harbour

Without prejudice to any other of these Byelaws, a person who as owner, master or otherwise has the charge or control of any vessel shall neither cause nor suffer such vessel to be navigated within the harbour in a dangerous manner, or without due care and attention, or without reasonable

consideration for other persons, and without prejudice to the foregoing generality such person shall cause a proper lookout to be kept and shall ensure that the said vessel is navigated in such a manner as to involve neither the risk of collision nor the generation of a wash which might endanger any other person, property or vessel.

11. Vessels to keep clear of obstructions

The master of a vessel shall cause his vessel to keep well clear of and go dead slow when obliged to pass within 100 metres of places where sunken vessels or other obstructions are being lifted or removed, where moorings are being drawn or fixed or where underwater operations are taking place.

12. Vessels not to approach vessels taking in or discharging dangerous goods

The master of a vessel shall not without permission of the harbour master cause or permit his vessel to lie alongside of or to approach within 50 metres of any vessel displaying the single letter flag 'B' of the International Code of Signals 1969, and/or a red light in a conspicuous position visible all round the horizon, which means "I am taking in, or discharging or carrying dangerous goods".

13. Lighting of vessels berthed in the harbour

The master of a vessel at anchor or of a vessel which, being berthed at any quay in the harbour, is made fast at stem and stern to any other vessel berthed at that quay and is the vessel out-most from the quay, if more than one vessel is berthed at that quay, shall at all times between sunset and sunrise cause to be exhibited on that vessel where it can best be seen but at a height of not less than 4 metres or not more than 7 metres above the hull, a bright white light such as will display a clear, uniform and unbroken light through 360 degrees and such light shall be of such character as to be visible on a dark night with clear atmosphere at a distance of at least one mile. Provided that the harbour master may direct the master of any other vessel to cause such a light to be exhibited and in a similar position on such other vessel to that herein before prescribed where he is satisfied that it is necessary for the safe navigation of the harbour that a like light should be exhibited upon such other vessel.

PART III

REGULATION OF VESSELS IN DISTRESS

14. Conduct of vessels aground

The master of any vessel which goes aground in the harbour shall immediately advise the harbour master that his vessel is aground and the name of the vessel and port of registration, the identity of the master, the nature and quantity of the cargo and of the oil bunkers being carried at the time of grounding and the precise location at which the vessel lies aground.

15. Lights and shapes to be exhibited

The master of a vessel which is aground in the harbour shall cause to be exhibited the lights and shapes required by the Collision Regulations and make the appropriate sound signals laid down therein.

16. Proper lookout to be kept

The master of a vessel which is aground in the harbour shall at all times cause a proper lookout to be kept and shall give warning to approaching vessels of the presence of the grounded vessel.

17. Notification of collisions etc.

The master of a vessel which -

- i) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the harbour; or
- ii) 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
- iii) in any manner gives rise to an obstruction to a fairway

shall forthwith report the occurrence to the harbour master and as soon as practical thereafter provide the harbour master with full details in writing, and where the damage to a vessel is such as to affect or be liable to affect its seaworthiness the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master.

18. Abandonment of vessels

- a) No person shall abandon a vessel in any part of the harbour.
- b) For the purposes of paragraph (a) of this bylaw, a person who leaves a vessel in any part of the harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it, shall be deemed to have abandoned it there unless the contrary intention is shown.
- c) The master of any vessel which in the opinion of the harbour authority is likely to become a wreck, shall as soon as is practicable secure the services of such salvage contractors as have in the opinion

of the harbour authority, sufficient skills and resources to ensure the removal of the vessel from the harbour.

d) The master of any vessel which in the opinion of the harbour authority is likely to become a wreck, shall if directed by the harbour master secure the services of such pollution control contractors as have in the opinion of the harbour authority sufficient skills and resources to combat pollution from oil or other matter likely to escape from the vessel, and to remove from the vessel such oil or matter likely to escape.

e) The harbour master may, in case of non-compliance with, or unsatisfactory results from, the implementation of paragraphs (c) and (d) of this byelaw, carry out such salvage and pollution control measures as he may consider necessary and the charges arising from such actions may be recovered from the owner of the vessel or at the discretion of the harbour master, from the person who was at the time of grounding the owner of the vessel concerned.

PART IV

MOORING, BERTHING AND WATCHKEEPING

19. Mooring and berthing vessels

a) On entering the harbour, the master of every vessel shall berth and moor his vessel and make it fast according to the instructions of the harbour master and shall not berth or moor or make fast except in accordance with permission and instructions given by the harbour master.

b) The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.

20. Vessels not to leave berth without the authority of harbour master

The master of any vessel berthed or moored in the harbour shall neither move his vessel nor cause his vessel to leave her berth or mooring without the authority of the harbour master and he shall comply with any instruction received from the harbour master in that respect: except that the provisions of this and the foregoing byelaw relating to berthing, mooring and making fast in accordance with the permission and instructions of the harbour master, shall not apply to movement of vessels between berths and moorings located at the same quay or jetty.

21. Harbour master to have free access

The master of a vessel within the harbour shall afford the harbour master, on production of his authority, 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.

22. Anchors not to interfere with navigation

a) The master of a vessel requiring to anchor or lying at anchor in the harbour, shall cause the anchors of his vessel to be so laid as not to interfere with the navigation of other vessels within the harbour.

b) If at any time the anchor of a vessel fouls any moorings or cable the master of the vessel shall as soon as reasonably practicable give notice thereof to the harbour master and shall, if it is safe and practicable to do so, await his instructions before proceeding to clear the same.

23. Vessels not to be made fast to navigation buoys or marks

The master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigation purposes.

24. Vessels to be made fast to equipment on quay

The master of any vessel intending to berth at any quay within the harbour shall make his vessel fast to the quay by attaching ropes or other connections to any mooring device or equipment located on the quay for that purpose, and he shall not attach ropes or other connections to any other device or equipment on the quay. Whilst attached to any such device or equipment, the master shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

25. Vessels not to use harbour authority or RNLI moorings

The master of a vessel neither belonging to nor working for the harbour authority or RNLI shall neither cause nor permit his vessel to be moored at any moorings provided solely for the use of vessels belonging to or working for the harbour authority or RNLI, which moorings shall be clearly marked.

26. Provision of proper fenders

The master of every vessel in the harbour shall provide for such vessel proper and sufficient fenders of such material as will float and when lying or moored at a quay shall fend or cause such vessel to be fended off from that quay so as to prevent damage to the quay and other works or to his own or other vessels which damage might be caused by the motion of the vessel or otherwise; the master of every vessel lying against any other vessel within the harbour shall provide similar fenders and shall fend or cause such vessel to be fended off from the other vessel; in the case of more than one vessel lying furthest from the quay shall fend his vessel off from such vessel as may lie adjacent to him and nearer the quay.

27. Recovery of fenders

The master of any vessel or the owner or operator of any vessel berthing facility, base, jetty or quay, having lost from his vessel or, as the case may be, from his berthing facility, base, jetty or quay any fender or material used to separate vessel from vessel, or vessel from structure, shall immediately recover the same at his own expense in accordance with arrangements made to the satisfaction of the harbour master.

28. Sufficiency of crew

a) Except with the permission of the harbour master, the master of a vessel shall at all times when his vessel is within the harbour ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available –

- (i) to attend to his vessel's moorings;

(ii) to comply with any directions given by the harbour master for the unmooring, mooring and moving of his vessel; and

(iii) to deal, so far as reasonably practicable, with any emergency that may arise

b) In the event of any danger, accident, disturbance or fire at the quay or at a buoy at which a vessel is berthed or moored or onboard any vessel within the harbour the crew or other competent person should as soon as reasonably practicable sound the alarm and notify the harbour master.

29. Vessel to be kept in a movable condition

a) The master of a seagoing vessel shall not take any steps to render his vessel incapable of movement without first notifying the harbour master and, subject to the aforesaid, shall at all times keep his vessel so loaded and ballasted and in such a condition that it is capable of being safely moved.

b) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the harbour master forthwith and give to him any further information which the harbour master may reasonably require.

30. Fumigation

a) The master of any vessel shall not permit his vessel to be fumigated in any part of the harbour without the permission of the harbour authority whose permission shall not be given until the fires in the vessel are extinguished and unless there is to be on board that vessel during fumigation a competent person to take charge of the vessel until the completion of fumigation.

b) The master of every vessel for the fumigating of which permission has been given by the harbour authority, shall place his vessel in such part of the harbour as the harbour master may direct for the purposes of being fumigated and shall keep such vessel in the same position during the whole operation of the fumigating unless otherwise directed by the harbour master.

31. Vessel adrift

The master of a vessel which parts from its moorings shall as soon as possible report the same to the harbour master.

32. Restrictions on fuelling vessels at certain berths

The master of a vessel shall not allow the embarkation or disembarkation of fuel to and from such a vessel whilst it should lay alongside the consigning berth or those berths at the fish market quay.

33. Obstructing accesses

The master of a vessel shall not intentionally place his vessel nor allow it to be placed nor moored unattended in such a position as to: -

- a) obstruct the access to any recognised landing place; or
- b) obstruct the approaches to or the usage by other vessels of;
 - (i) the fuelling berth; or
 - (ii) the consigning berth; or
 - (iii) the fish market quay; or
 - (iv) the ice production plant.

PART V

CARGO HANDLING AND ACCESS TO VESSELS

34. Loading and unloading cargo

a) The master of a vessel in the harbour loading or discharging cargo shall exercise due diligence to ensure that he neither causes nor suffers any part of that cargo to be thrown or to fall into the harbour, but in the case of accidental loss shall request permission of the harbour master to recover such cargo in accordance with the provisions of Byelaw 42.

b) If any oil or mixture containing oil is discharged or allowed to float or leak into waters within harbour limits from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this byelaw:-

(i) if the discharge is from a vessel, the owner or master of the vessel. or

(ii) if the discharge is from a place on land, the occupier of that place, or

(iii) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus shall be guilty of an offence against these byelaws.

c) Dunnage, ballast or other materials are to be prevented from falling, escaping or being discarded into or onto the waters of the harbour or onto the premises of the harbour authority.

35. Access across decks

The master of every vessel berthed against any quay in the harbour shall allow free passage to those persons engaged in the discharging or loading of cargo of any other vessel or vessels lying further off from the quay and for conveying to or from such other vessel or vessels all articles or things as may be reasonably carried across or over the deck of his vessel for ballasting, fuelling, storing or repairing the same; and shall, for any of the said purposes, provide, on such vessel of which he is master, every reasonable facility for the placing, by the master of such vessel or vessels, of gangways or planks, and also, if required by the harbour master for the rigging of any tackle.

36. Access to vessels

The master of any vessel berthed or moored in the harbour shall ensure that a properly secured gangway or other satisfactory means is provided for safe access to and from his vessel, and when such vessel is berthed at any quay the master shall allow the crew or other authorised persons of any vessel lying further off from the quay safe passage across his vessel to and from the quay; such gangway shall be suitably illuminated at night, and shall have at all times an underslung safety net.

PART VI

MISCELLANEOUS RESTRICTIONS ON VESSEL MOVEMENTS

37. Restriction of launching

a) A shipbuilder or other person shall neither launch nor allow to be launched any vessel into the harbour without giving to the harbour master at least 7 days' previous notice in writing of the type and dimensions of the vessel to be launched and of the time the intended launch is to take place unless a shorter period of notice has been agreed by the harbour master. Provided that this byelaw shall not apply to the RNLI lifeboat, small craft or vessels navigated by sail which are normally beached or kept on board any other vessel when not in use.

b) A shipbuilder or other person shall not launch or allow to be launched any vessel in accordance with the provisions in Byelaw 39(a) except at the time specified in the notice given by him to the harbour master or within half an hour thereafter.

38. Restriction on usage of the harbour slipway

The master or any other person shall not use the facilities afforded by the harbour slipway without the prior permission of the harbour master. Provided that this byelaw shall not apply to any vessel in danger of sinking through damage or other cause.

39. Restrictions on provision of towage services

A person shall not without the prior permission in writing or orally of the harbour master use or cause to be used any vessel for the purposes of towing any vessel other than a small craft within the harbour. Provided that in the case of any vessel forced by stress of weather or other cause to enter the harbour such vessel may be towed by any other vessel whose master obtains the permission of the harbour master in that respect.

40. Dredging, etc.

A person shall neither dive, dredge nor grapple for any article or thing in the waters of the harbour without having first obtained the permission in writing of the harbour master.

41. Diving operations

a) No person shall commence diving operations within the harbour without: -

(i) prior written permission of the harbour master;

(ii) the duty harbour master being present at the harbour for the commencement of and throughout the duration of the aforesaid operations.

b) It shall be the duty of the person in control of diving operations to comply with the requirements of the Collision regulations and the International Code of Signals insofar as they relate to diving operations.

42. Navigation under influence of drink or drugs

A person shall not navigate any vessel in the harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

43. Public events

a) The organisation or secretary responsible for the management of any boat race, regatta, swimming competition, public procession or other public event when a number of vessels is expected to assemble on the waters of the harbour or its approaches, shall give not less than 28 days notice thereof to the harbour master.

b) Every such event shall require the prior approval of the harbour authority and shall be conducted over courses and at times previously approved by the harbour master and in accordance with any directions issued by him.

44. Water ski-ing, aquaplaning, boardsailing, swimming etc.

a) No person shall engage or take part in water ski-ing, aquaplaning or boardsailing except with the written permission of the harbour authority given specifically or generally and only in such areas as may be designated from time to time by the harbour master and no water ski-ing is to take place within 30 metres of any diving operation or any person bathing.

b) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have onboard at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier, and shall carry: -

(i) for each person on board a lifejacket manufactured in accordance with the appropriate British Standard Specifications or a personal buoyancy aid of the Ship and Boat Builders' National federation approved type, two hand-held distress signals and a fire extinguisher;

(ii) for each person water ski-ing or aquaplaning, a rescue quoit with line or other sufficient hand thrown device.

c) No person shall engage in kiting or parachute towing in the harbour without prior written consent of the harbour authority given specifically or generally and in accordance with such reasonable conditions as may be imposed by the harbour authority.

d) No person shall swim within the harbour, except in the area known as Scrabster Beach, providing this byelaw is not in prejudice to the provisions of Byelaw 47.

e) The speed restriction imposed by Byelaw 9 will not apply to vessels authorised by the harbour master under this byelaw to engage in water ski-ing, aquaplaning, kiting or parachute towing. Provided that the master of such a vessel shall not cause or permit his vessel to proceed in any part of the harbour outside of the area confined by piers and jetties at a speed in excess of 26 knots over the ground.

45. Laying down moorings, buoys and other tackle

a) No person shall lay down any mooring, buoy or similar tackle without the prior written consent of the harbour master and only in accordance with such conditions as the harbour master may impose.

b) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any person claiming possession of it if the harbour master so directs.

c) If the owner of any mooring shall fail to comply with any direction of the harbour master to move or remove the said mooring, the harbour master may on giving, where reasonably practicable, 7 days notice to the last known address of the owner, take such reasonable steps as he may think fit for the purpose of moving or removing said mooring.

46. Lost anchor, cable or propeller

a) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs shall cause it to be recovered as soon as practicable.

b) The master of a vessel slipping or parting from any anchor or propeller shall leave a buoy to mark the position thereof.

47. Navigation of small craft

Without prejudice to any other of these byelaws, a person who whether as owner or otherwise has charge or control of a small craft shall neither cause nor suffer such vessel to be navigated within the harbour in a dangerous manner without due care and attention, and without reasonable consideration to other persons.

48. Harbour lights

No person shall move, damage or cause to malfunction any harbour lights, buoys, beacons or any other navigation marks exhibited by, or the property of, the harbour authority. The master of any vessel running into, fouling or damaging any such mark shall as soon as reasonably practical report the same to the harbour master.

49. Fire precautions

The master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

PART VII

REGULATION AND CONTROL OF PERSONS, USE OF VEHICLES

AND MANAGEMENT OF GOODS

50. Use of life-saving equipment

A person shall not except in cases of emergency and for the purposes of saving life throw any life-saving equipment or life-belt into the waters of the harbour.

51. Smoking prohibited in vicinity of combustible material and liquids

A person shall not smoke or carry a lighted pipe, cigar or cigarette on board any vessel whilst it is discharging or loading any combustible thing, or in any shed, warehouse, tank farm or storage area within the harbour, where a notice is for the time being exhibited indicating that smoking is forbidden. The foregoing prohibition shall include smoking inside a vehicle which is stationary within or passing through any area in respect of which such a notice is exhibited.

52. Restriction of access to harbour works

A person shall not, except when authorised by the harbour authority, enter on any part of the harbour works or any building thereon belonging to or occupied by the harbour authority which by notices, barricades or other means is indicated as being closed to the public.

53. Defacement of property prohibited

A person shall neither deface any part of the harbour works or any building thereon nor shall he display any poster, slogan or representation on any part of the harbour works, or building except with the written permission of the harbour authority.

54. Climbing on harbour buildings/equipment prohibited

A person shall not without the permission of the harbour authority climb or be upon any building, plant or equipment belonging to or in the service of the harbour authority and situated on the harbour works and shall not go or be upon any of the piles in front of or under the quays or wharves in the harbour.

55. Interference with harbour operations prohibited

A person shall neither interfere nor cause interference with the maintenance and operation of the harbour nor obstruct nor impede nor cause an obstruction or impediment to the movement and operation of harbour cranes or other plant and vehicles belonging to or under the control of the harbour authority.

56. Loitering prohibited

Any person loitering in any part of the harbour works shall leave the same when ordered to do so by any official of the harbour authority.

57. Meetings and gatherings

Except with the consent in writing of the harbour authority no person shall, within the harbour premises: -

- (i) take part in any general meeting; or
- (ii) gather together or deliver any address to an audience, or gather together any persons, whereby any work or business at the harbour or the control, management or use of the harbour is, or is likely to be obstructed, impeded or hindered.

58. Unauthorised exhibitions prohibited

A person shall not hold an exhibition of vessels or of sub-sea equipment within the harbour without the consent in writing of the harbour authority which consent may be given to conditions.

59. Interference with vessels' moorings prohibited

A person shall neither set any vessel adrift nor interfere with the moorings of any vessel moored or berthed in the harbour.

60. Unauthorised boarding of vessels prohibited

A person shall not proceed on board nor remain on board a vessel in the harbour, except on official business, unless with the express permission of the master of the vessel who shall be responsible for the orderly conduct of such a person.

61. Breaking up of vessels

A person shall neither break up or cause to be broken up within the harbour any vessel or any part of any vessel, whether such vessel or part thereof be afloat, stranded, sunk, abandoned or derelict, without prior permission in writing from the harbour authority; and such permission may contain

such conditions regarding complete removal and such other conditions as the harbour authority think fit.

62. Drift or trawling nets, creels or pots not to obstruct vessels

- a) No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an internal obstruction or danger to any property or person including in particular but without prejudice to the generality of the foregoing any vessel or mooring.
- b) No person shall cast or place any type of creel or pot so that it is:-
- (i) within that area of the harbour surrounded by quays or jetties; or
 - (ii) in the entrance to any part of the harbour; or
 - (iii) in the navigational waters of the approaches to the harbour; or
 - (iv) to the east of a transit line formed by the red line painted on the seaward surface of the south wall of the fish dock and the flag staff mounted on the harbour office as displayed on the map annexed as Schedule 2 to these byelaws; or
 - (v) so that the buoyed mooring/recovery line floats on or just below the surface of the sea so as to cause any hazard to vessels using the facilities of the yacht club.
- c) In the interests of vessels' safety, any creel or pot found to be encroaching on any of the aforementioned areas will be removed by the harbour master.

63. Restrictions on animals

No person shall take or allow a dog, cat or other animal to enter the area of the Scrabster fish market or be present on the fish market quay or consigning berth. Without prejudice and in the interests of environmental health and hygiene, the restrictions imposed by this byelaw shall also apply to guide dogs.

64. Use of flammable materials

No person within the harbour shall without written permission of the harbour master heat any pitch, tar or any other substance or flammable matter, or have or allow any fire, naked light or flame in any place other than for the immediate ignition of any authorised fire, light or flame or, subject to Byelaw 57, for the purpose of smoking.

65. Control of flammable materials

No person shall bring onboard a vessel or shall use on a vessel any flammable materials fuels, oils or gasses or warning flares or similar safety equipment unless the same are securely contained in a safe and proper manner and are intended to be used or are being used on or within a vessel for propulsion, maintenance or safety purposes or in connection with domestic lighting or heating.

66. Supervision of fires

Whilst any naked flame or fire is being used onboard any vessel within the harbour, the owner or master of that vessel shall provide and keep at least one person continually onboard the said vessel who shall be specifically charged with the care of naked flame or fire and that person shall have readily available the correct and proper means to extinguish such naked flame or fire in case of emergency.

67. Fireworks

Except in an emergency no person other than HM Coastguard shall, without the written permission of the harbour master, set off rockets, fireworks or other explosive substances in the harbour area.

68. Restrictions on parking

- a) A person shall not cause or allow any container, or any vehicle designed for the transport of goods to stand on any of the quays longer than is actually required for the loading or unloading of goods into or out of such vehicle or container.
- b) A person shall not cause or allow any container or any vehicle other than those in section (a) of this byelaw, to be parked on the consigning berth.
- c) A person shall not cause or allow any container or any vehicle to be left in any area other than those specifically authorised by the harbour authority for the parking of such containers or vehicles.
- d) Any person leaving a container or vehicle in an authorised parking area where charges are levied by the harbour authority, shall display on that container or vehicle a ticket issued by the harbour authority authorising the parking of the said container or vehicle during such time as may be specified on that ticket.
- e) Any parking in any unauthorised parking area shall be subject to such reasonable conditions as the Harbour Authority may specify from time to time.

69. Obstruction by vehicles

The person having control of a vehicle shall not cause that vehicle to wait on any quay in such a manner as to obstruct or impede the movement of vehicles along the quay or interfere with the loading, discharging or movement of goods or cargo, with the movement of pedestrians or the operation or movement of plant or equipment.

70. Control of vehicles

a) The driver or persons having control of a vehicle shall: -

(i) obey instructions given by the harbour master or any officer or servant of the harbour authority duly authorised in that behalf, with respect to the loading, unloading, placing, moving, management or any removal thereof and shall not, without the permission of the harbour master:-

a. leave the vehicle unattended anywhere within the harbour premises except where such action is authorised directly or indirectly by the harbour authority; or

b. take it into any shed or working area.

(ii) not take any vehicle other than those which are either gas or electrically propelled into the fish market or onto the quay at the front (seaward side) of that aforementioned building.

b) The driver or person having control of a vehicle in any case where in the opinion of the harbour authority or any police constable that vehicle may cause damage to a quay or road within the harbour, shall not cause that vehicle to be on or remain on any part of the quay or road.

71. Control of cranes and cargo-handling appliances

a) The owner or person having control of any crane or cargo handling appliance shall not allow the same to be worked at any time on any quay except by a properly qualified person.

b) The harbour master may direct the movement and placing of cranes or cargo-handling appliances on any quay.

72. Safe driving of vehicles

No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

73. Accidents to be reported

The driver or other person having control of a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or persons or any damage is caused to any property shall stop the vehicle and report the accident to the harbour master as soon as reasonably practical thereafter and shall give his name and address to the harbour master. Such reporting being without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, (1995/3163)

74. Unauthorised trading prohibited

Under the Scrabster Harbour Revision Order (1970/1094) a person shall not without the permission of the harbour authority expose for sale or sell any goods on any part of the harbour.

75. Reporting weight and amount of cargo etc.

A master, owner or any other person shall report to the harbour authority as soon as practicable the true weight or amount of any cargo, goods, article or thing being shipped, transhipped or unshipped through or in the harbour for sale or personal consumption.

76. Requirements as to handling of goods on the quays

A person shall not place, lay down or leave upon any part of the quay, any goods, article or thing which, in the opinion of the harbour authority may obstruct or impede or tend to obstruct or impede the discharging or loading of any vessel or the taking away, or the bringing of any cargo from or to the vessel, or tend to obstruct or impede the traffic on the quays; and the owner or person having charge of any such goods, article or thing shall cause the same to be immediately removed from the quays on receiving an instruction to that effect from the harbour authority. Provided that where that owner or person shall fail to comply with such an instruction within a reasonable time, the harbour authority may remove, store or deliver the goods, article or thing from the quays and the expense of such removal, storage or delivery shall be borne by the owner of the goods, article or thing removed, stored or delivered. If after advertisement the Trust cannot ascertain the owner of the property concerned, the Trust will be entitled to claim the net proceeds of sale after deduction of all reasonable expenses including advertising.

77. Storage and maintenance of goods

Any goods, articles or thing brought on to, or left on any part of the harbour works with the permission of the harbour authority, shall be properly stored and maintained, and during the hours of darkness marked by warning red lamps to the satisfaction of the harbour authority.

78. Abandoning of goods prohibited

A person shall not without the permission of the harbour authority leave unattended upon any part of the harbour works any goods, material, vehicle or article for a period in excess of 12 hours, and where such goods, material, vehicle or article are so deposited or placed without the permission of the harbour authority then the harbour authority may treat as abandoned and remove such goods, material, vehicle or article and the expense attending the removal, storage or delivery thereof shall be paid to the harbour authority by the person so abandoning such goods, material, vehicle or article. If after advertisement the

Trust cannot ascertain the owner of the property concerned, the Trust will be entitled to claim the net proceeds of sale after deduction of all reasonable expenses including advertising.

79. Weighing and measuring

No person who is not a weigher or meter appointed by the Trust or by a person duly authorised in writing by the Trust to appoint weighers or meters or by the Commissioners of Customs and Excise, or a tally clerk employed by a shipowner for the sole purpose of calculating freight, shall weigh or measure or employ any person not being a weigher, meter or tally clerk as aforesaid to weigh or measure any goods shipped, unshipped or delivered in the harbour area, nor use the weighbridge provided by the Trust in such area.

80. Rubbish not to be thrown into the harbour area

No person shall throw or cast, or cause to procure to be thrown or cast, any dirt, rubbish, soil, ashes, plastic or other matter, or put or cause to procure or allow to fall or throw any offensive or injurious matter or thing, whether solid or liquid, into the harbour area or upon the shores or any part thereof.

81. Operation of the Emergency Services

Clauses 59, 61, 76, 77, 78, 79, 80, and 81 shall not apply to any of the Emergency services attending the harbour in the normal course of their duties.

PENALTIES

82. Penalties

a) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the harbour master, or by an authorised officer, as the case may be, in the exercise of the powers conferred upon 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.

b) Where the commission by any person of an offence under these byelaws 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.

c) In the proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove: -

i) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence: or that

ii) he had a reasonable excuse for his act or failure to act.

d) If in any case the defence provided by paragraph (c) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the trial, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

Given under the Common Seal of the Scrabster Harbour Trust this

day of

2003

(Chairman)

(Clerk)

Confirmed by the Scottish ministers by virtue of Section 85 of the Harbours, Docks and Piers
Clauses Act 1847.

.....

A member of the staff of
the Scottish Executive,
Victoria Quay, Edinburgh

.....(Date)