

**GRAMPIAN REGIONAL COUNCIL
HARBOURS BYELAWS 1990**

Note: Aberdeenshire Council received transfer of Statutory Powers for Harbours within the defined area of Aberdeenshire at the changes to Local Government Areas in 1996

THE GRAMPIAN REGIONAL COUNCIL HARBOURS BYELAWS 1990

The Grampian Regional Council in exercise of its powers under Section 30 of the Grampian Regional Council (Harbours) Order 1987 and 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. | <p>These Byelaws are divided into parts, as follows:-</p> <p>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 harbours areas</p> |
| Application of Byelaws | 3. | These byelaws shall apply to the harbour areas at Banff, Buckie, Burghead, Cullen, Findochty, Gourdon, Hopeman, Johnshaven, Macduff, Portknockie, Portsoy, Roseheartly and Stonehaven as defined in the schedule hereto and as shown on the plans executed as relative to these byelaws. |

PART II: INTERPRETATION

- 4.- (1) In these byelaws, unless the context otherwise requires, 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 qualifications, 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 a 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) Orders 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 quay, 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 (Harbour) Order 1987 and includes his deputed, 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 to 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 so 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 owned, broker, charterer, agent or mortgagee in possession thereof: and
- (c) in relation to a vehicle any part owned 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 radiowaves.

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

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

- (a) anything 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 a hydrofoil vessel:
- (d) any other structure capable of floating on water (or which be so capable if in proper repair) and used or capable of being used for habitation:

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

“wet fish includes all fish, mollusc 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 of 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 or meaning or affect anything contained in these byelaws.

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

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| 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. | <p>On 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 :-</p> <ul style="list-style-type: none">(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 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.. <p><u>(NOTE:</u> 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 the harbour are shall if required to do so by the harbourmaster state the length overall and draft maximum of the vessel.)</p> |
| Care and caution | 7. | <p>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 lived 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.</p> <p><u>(NOTE:</u> 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.)</p> |
| 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 the harbour area |

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| Use of engines while vessel moored or berthed | 9. | The master of the 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 direction of the harbourmaster.</p> |
| Ropes and fenders | 11.-(1) | <p>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.</p> <p>(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.</p> <p>(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 been recovered from the harbour waters.</p> |
| | 12.-(1) | <p>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.</p> |

- (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 obstruction or operation he shall so navigate the vessel as to cause no danger, injury, damage or interruption to the said operations.
- Navigation 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 fairways 15.-(1) The master of a vessel whether it is under power or 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 a 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 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 water ski-ing aqua-planing and para-kiting	17.-(1)	No person shall engage in or take part in water ski-ing, aqua-planing, kiting, parachute-towing or similar water or airborne 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 grappling 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 refrain 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 dinghy or like vessel into, or removing it from a harbour area, no person without 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 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 so as to interfere with navigation of 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
harbour-
master’s
instructions

- 23.-(1) 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 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 –

- (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 name and addresses of competent persons in the vicinity who may be contacted to attend to the vessel as required by this byelaw.

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| 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 vessel which are disturbed in the process are to the extent of any disturbance made safe. |
| 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 a 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:
harbour -
master'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 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 persons 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 to from a vessel or a 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 subsection (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, effectively to prevent any material from falling into a harbour area or on to harbour premises.
- (b) 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 s effectively to prevent any material from falling into a harbour area or on to harbour premises.
- (c) 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.
- (d) 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

(e) 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 subsection (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 instruction of the harbourmaster or a police officer who is engaged in the regulation of traffic at harbour premises.

Driving restrictions	32.	No person shall drive any vehicle on or over any 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 or 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 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 vehicle –</p> <ul style="list-style-type: none"> (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 (b) in contravention of any sign or other road marking which prohibits parking at any particular location (c) in contravention of any instruction which may be issued by the harbourmaster, the fish market superintendent or a police constable or (d) during the hours of darkness in contravention of any 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.
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 no. 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

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| 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 a 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 of models | 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.	<p>No person shall –</p> <p>(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</p> <p>(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.</p>
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 apparatus	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 V111: FIRE PRECAUTIONS

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.	<p>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 –</p> <p>(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</p>

Fire precautions	47. cont.	<p>(b) the use of lighters or matches at those parts of harbour premises referred to on Byelaw 49 for the purpose of smoking there or</p> <p>(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.</p>
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.	<p>No person shall smoke tobacco or any other herb or substance in any part of harbour premises –</p> <p>(a) where smoking is prohibited by notice of the Council or</p> <p>(b) where he is instructed by the harbourmaster to cease smoking and he shall then refrain from smoking until so permitted by the harbourmaster.</p>
Fire appliances etc..	50.-(1)	No person shall use or interfere with any fire appliance or 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.	<p>No person shall –</p> <p>(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</p> <p>(b) cause or permit a vehicle carrying any such plant to enter harbour premises.</p>

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 therefrom 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 reallocated.

(NOTE : Fishing vessels and vehicles 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 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 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 salesman shall ensure that any 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

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|-----------------------------------|---------|---|
| 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 byelaw is being duly observed. |
| Vessels to have name marked on | 59. | The owner of any vessel which is not registered as 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 | 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. |
| | (2) | The master of the vessel shall be responsible for the orderly conduct of any such person on board. |
| 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 harbour 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. |

PART XI : PENALTIES

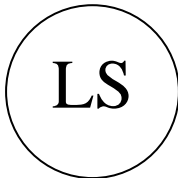
- Penalties
- 65.-(1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition requirement or prohibition imposed by the harbourmaster in the exercise of the powers conferred on him by these byelaws shall be guilty of an offence and liable on summary conviction 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 : PREVIOUS BYELAWS

66. All the byelaws made by the Council or their predecessors in relation to any of the 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. COLLINS

An Assistant Secretary I the Scottish Office Agriculture and Fisheries Department

Scottish Office
Edinburgh

4 April 1991

