

COLLIESTON HARBOUR BYELAWS

The TRUSTEES OF COLLIESTON HARBOUR in exercise of the powers conferred by section 83 of the Harbour Docks and Piers and Clauses Act 1847 and articles 14 and 15 of the Collieston Harbour Revision Order 1991, and of all other powers them enabling, hereby make the following byelaws.

PART I – THE PRELIMINARY

Title and Commencement

1. These byelaws may be cited as the COLLIESTON HARBOUR Byelaws 1992 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Minister.

Application

2. These byelaws shall apply to all parts of the harbour the limits of jurisdiction of which are set forth in the Schedule hereto.

Interpretation

3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them.

“Collision Regulations” means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

“goods” means all articles and merchandise of every description and includes fish, shellfish, livestock and animals;

“the harbour area” means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Trustees;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to

form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

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

“owner”, when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods, and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel, includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel and when used in relation to a vehicle, includes any part-owner or agent or person having charge of the vehicle for the time being;

“quay” means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

“small vessel” means any vessel of less than 20 metres in length or a sailing vessel and, for the purposes of this definition, “sailing vessel” means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;

“Trustees” means the Collieston Harbour Trustees;

“vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes, and includes a hovercraft or any other amphibious vehicle;

“vessel” includes every description of water craft, including non-displacement craft and seaplanes, used, or capable of being used, as a means of transportation on water.

PART II

Vessels to Navigate with Care

4. The master shall navigate his vessel with such care and caution, and at such speed and in such manner, as not to endanger the lives

of or cause injury to persons or damage to property, and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, river banks or other property.

Speed of Vessels

5. Subject to byelaw 4 and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than 5 knots.

Vessels Not to be Made Fast to Navigation Buoys or Marks

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

Notification of Collisions, etc.

7. The master of a vessel which –

- (a) has been involved in a collision with any vessel of property, or has been sunk or grounded, or become stranded in a harbour area; or
- (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 of property; or
- (c) in any manner gives rise to an obstruction to a fairway;

shall forthwith report the occurrence to the Trustees (and as soon as is practicable thereafter, provide the Trustees with full details in writing) and, where the damage to a vessel is 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 or anchor in safety otherwise than with the permission, and in accordance with the directions, of the Trustees.

Vessels Adrift

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

PART III – BERTHING AND MOORING

Provision of Proper Fenders

9. The master and the owner of a vessel shall ensure that it is provided with a sufficient number of fenders and ropes adequate for the size of their vessel and when berthing or leaving, or lying a a quay or against other vessels, the master shall cause the vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be Properly Berthed

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

Sufficiency of Crew

11. 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 –

- (a) to attend to his vessel's moorings;
- (b) to comply with any directions given by the Trustees for the unmooring, mooring and moving of his vessel, and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

Vessels to be Kept in a Moveable Condition

12.

- (1) The master of a seagoing vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the Trustees and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted, and in such condition, that it is capable of being safely moved.
- (2) 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 Trustees forthwith and give to him any further information which the Trustees may reasonable require.

Use of Engines while Vessel Moored or Berthed

13. The master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manger as to cause injury or damage to the beds or banks of the harbour or to any vessel or property.

Vessels not to Make Fast to Unauthorised Objects

14. No person shall make a vessel fast to any post, quay, ring, fender ladder, handrail or any other thing or place not assigned for that purpose.

Access Across Decks

15. The master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required to do so by the Trustees, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

Persons on Board

16. No person shall proceed on board or 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.

Lost Anchor, Cable or Propeller

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

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

PART IV – GOODS AND ROAD TRAFFIC

Requirements as to Handling of Goods in the Harbour

18. (1) The owner of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and, in any case, within 48 hours unless by agreement with the Trustees.

(2) The owner of any goods shall comply with such directions as the Trustees may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour.

Precaution against Goods, etc., falling into Harbour Waters or the Authority's Premises

19. The master of a vessel and a person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the Trustees may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Trustees.

Obstruction or Interference at Harbour Premises/Dock Estate

20. No person shall –

(a) Except with the permission of the Trustees, deposit or place on any part of the harbour any goods, or park any vehicle on the beach or so as to obstruct any road, building, mooring place, plant, machinery or apparatus, or the access thereto; or

(b) Without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour.

Safe Driving of Vehicles

21. No person shall drive or otherwise operate a vehicle in the harbour area without due care and attention or without reasonable consideration for other persons using the harbour.
22. No person shall allow a vehicle to proceed anywhere in the harbour at a speed greater than 15 miles per hour in the case of road vehicles.

Supervision of Vehicles

23. A person having charge of a vehicle in the harbour shall at all times comply with any directions of the Trustees with respect to the loading, discharging, manoeuvring and removal thereof, and shall not, without the permission of the Trustees –
 - (a) leave the vehicle unattended anywhere within the harbour; or
 - (b) take it into any shed or working area.

Loads not to Leak, Spill or Drop

24. Any person having charge of a vehicle in the harbour shall not permit any substance to leak, spill, or drop from the vehicle.

Loads to be Secured

25. Any person having charge of a vehicle in the harbour shall ensure that any load carried thereon or therein is properly secured, and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Refuelling, etc., or Vehicles

26. No person shall, within the harbour charge or recharge any vehicle with, or empty it of, fuel except with the permission of the Trustees.

Accidents to be Reported

27. Any person driving or otherwise operating a vehicle involved in an accident in the harbour whereby any injury is caused to any person, or any damage is caused to any property, shall stop the vehicle and report the accident to the Trustees, and shall give his name and address to the Trustees.

PART V – GENERAL

Navigation under Influence of Drink or Drugs Prohibited

28. 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.

Vessels not to be Fumigated without Permission

29. The master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Trustees.

Laying down Moorings, Buoys and Other Tackle

30. (1) No person shall lay down any mooring, buoy, or similar tackle without prior consent in writing of the Trustees, nor except in accordance with such conditions as the Trustees may impose.

(3) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the Trustees so direct.

Lifesaving Apparatus

31. (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.

Dumping in Harbour Waters Prohibited

32. No person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever, or place it in such a position that it can fall, blow or drift into the harbour.

Drift or Trawling Nets not to Obstruct Vessels

33. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger

to any property including, in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No Dragging or Grappling without Permission

34. No person shall drag or grapple for any material or article, not remove the same from the bed of any water areas of the harbour, without the written consent of the Trustees.

Vessels to have Names marked on Them.

35. The owner of a vessel which is not recognised as a ship under the Merchant Shipping Act 1894, and marked accordingly, shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

Abandonment of Vessels Prohibited

36. (1) No person shall abandon a vessel on the banks or shore of the harbour.

(2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel on the banks or shore 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.

Water Skiing, Aquaplaning etc.

37. (1) No person or persons shall engage or take part in water skiing, board sailing, paragliding, parascending, towed gliding, jet skiing, aquaplaning or powerboat racing except in such areas and over such courses designated or agreed by and in accordance with such reasonable conditions previously laid down by the Trustees.

Assistance to Fire and Other Services

38. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

Fire Precautions

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

Obstruction of Officers of the Trustees

40. No person shall intentionally obstruct any officer or employee of the Trustees in the execution of his duties.

Meetings

41. Except with the consent of the Trustees, no person shall within the Harbour area

- (a) take part in any general meeting; or
- (b) 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.

Fishing

42. No person shall fish, or continue to fish –

- (a) in such a place or in such a manner as to cause danger, damage, obstructions or nuisance to any vessel, or
- (b) in contravention of the Trustees instructions, given by means of a written notice, not to do so.

Control of Dogs

43. A person in charge of a dog on the pier or on the beach shall at all times keep it under control and shall remove immediately any excrement deposited on the pier or on the beach.

Penalties.

44.

- (1) Any person who contravenes or otherwise fails to comply with any of these byelaws, or any condition, requirement or prohibition imposed by the Trustees in the exercise of the powers conferred upon them by these byelaws, shall be guilty of an offence and be liable, on summary jurisdiction, to a fine not exceeding level 3 on the standard scale, in case of byelaws 4,7,8,9,11,17,21,22,25,27,28,36 and 38 and to a fine

not exceeding level 2 on the standard scale in the remaining byelaws

- (2) 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 other person.
- (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 such an offence; or
 - (b) That he had a reasonable excuse for his act or failure to act.