

ARBROATH HARBOUR BYELAWS 1997



ANGUS COUNCIL

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Angus Council in exercise of the powers conferred upon it by Section 83 of the Harbours, Docks and Piers Clauses Act 1847 and the Arbroath Harbour Acts and Orders 1839 to 1919 and of all other powers enabling it in that behalf, hereby makes the following byelaws:-

PART I - PRELIMINARY

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| Title and Commencement | 1. | These byelaws may be cited as Angus Council Arbroath Harbour Byelaws 1997 and shall come into effect on the expiration of Twenty eight days from the date of confirmation below. |
| Division into Parts | 2. | These byelaws are divided into Parts as follows: |
| | | Part I Preliminary |
| | | Part II Interpretation |
| | | Part III Entry into, Exit from and Navigation within the Harbour Area and the use of Harbour Waters |
| | | Part IV Berthing and Mooring |
| | | Part V Cargoes, Ballasting, Vehicular loads and Materials Brought onto Harbour Premises |

Part VI	Fish market and Fish Landings
Part VII	Goods and Road Traffic
Part VIII	Health, Safety and Amenity
Part IX	General
Part X	Penalties
Part XI	Previous Byelaws
Schedule	Definition of Harbour Area

Application of Byelaws	3	These byelaws shall apply to all parts of the harbour area as defined at byelaw 4.
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PART II-INTERPRETATION

4(1) In these byelaws, unless the context otherwise requires, the following words and expressions have the meaning hereby respectively assigned to them:

- **"the Authority"** means Angus Council and their statutory successors;
- **"berthed"** when used in relation to a vessel means secured to a pier, quay, jetty, wall, bank, pontoon, stage or dolphin, or to any other vessel so secured;
- **"Collision Regulations"** means the Regulations for the Prevention of Collisions at Sea made under Sections 21 and 22 of the Merchant Shipping Act 1979 or any amending enactment;

- **“competent person”** means an individual who possesses such qualification, training or experience that he is competent to perform the duties required of him;
- **“fairway”** means any navigable channel in the harbour area which is marked dredged or maintained as such by the Authority;
- **“fish”** means any type of wet fish whether living or dead, including shellfish but does not include -
 - (a) fishmeal, fish manure, or fish guano, or
 - (b) fish which are, or have been, tinned, frozen solid in blocks, or otherwise processed;
- **“fish market”** means any part of the harbour area which has been designated by the Authority or temporarily designated by the harbourmaster for the purchase and sale of fish including any part of harbour premises which has been reserved by the Authority for the parking of vehicles used for the transportation of fish;
- **“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.
- **“gear or equipment”** means any fishing nets, creels, ropes, wires, trawl doors, or any appliances used on any vessel;

- **“goods”** means all wares, merchandise and articles of every description and includes those in respect of which rates or dues are payable or may be prescribed from time to time by the Authority and livestock and animals of all descriptions and oils, liquids and gases;
- **“harbour area”** means the sea area within which the Authority for the time being exercises jurisdiction as a harbour authority and includes any harbour premises adjacent thereto being the area shown within the broken line on the plan annexed as relative hereto;
- **“harbourmaster”** means the person appointed as such by the Authority and includes deputed, assistants and any other person for the time being authorised by the Authority to act, either generally or for a specific purpose, in the capacity of the harbourmaster;
- **“harbour premises”** means the docks, quays, piers, jetties, landing places, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority as harbour authority;
- **“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;
- **“machinery”** means all cranes, weighing machines, plant and equipment which belong to or are leased

by the Authority 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 any vessel, means any person having the command or charge of the vessel for the time being 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; or
 - (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) when used in relation to goods any person in charge of the goods and his agent in relation thereto including any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods;
 - (b) when used in relation to a vessel any person or persons entitled for the time being to

possession of the vessel, and includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel; and

(c) 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, pier, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels and includes any bridge, roadway or footway immediately adjacent and affording access thereto;
- **"radio-controlled equipment"** means a machine or other appliance (including a model) the operation of which is controlled by radio waves;
- **"vehicle"** means any form of vehicle or conveyance, whether designed for the conveyance or movement of persons, animals, goods, materials, vessels or otherwise, and includes a cradle, a hovercraft or any other amphibious vehicle;
- **"vessel"** means a ship, boat or water craft of any description and includes non-displacement craft and seaplanes, used, or capable of being used, as a means of transportation on water;

4(2) The marginal notes to these byelaws are inserted for the 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 THE HARBOUR AREA AND THE USE OF HARBOUR WATERS

5. Entry and Berthing of Vessel

- (1) The master of a visiting vessel shall wherever practicable give reasonable notice to the harbourmaster of the vessel's arrival at, departure from or movement within, the harbour.
- (2) The master of a vessel within the 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.
- (3) The time at which any vessel shall enter into, leave or lie in the harbour area and its berthing, mooring or unmooring whilst there shall be in accordance with the directions of the harbourmaster.

6. Report on Arrival

On the arrival of any vessel in the harbour, the master of the vessel shall, if required by the harbourmaster, furnish to him a declaration in the form to be obtained from him of the following particulars -

- (a) the name, port of registry, and description of the vessel
- (b) the gross and nett tonnage of the vessel
- (c) the name and address of the master
- (d) the vessel's last port of call and its next immediate destination after leaving the harbour area
- (e) the name and address of owner of the vessel

7. Vessels to Navigate With Care

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 unloading of other vessels or with moorings or other property.

8. Speed of Vessels

Except with permission of the harbourmaster, and subject to Byelaw 7 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.

9. Obstruction of Fairways

- (1) The master of a vessel, 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 navigations require.

(2) The master of a vessel shall not permit the vessel to enter or cross a fairway except when the fairway in the vicinity of the vessel is clear, and 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.

10. Gear or Equipment Not to Obstruct Vessels

No person shall cast or place or dump any gear or equipment on or near the approaches to the bearing of the harbour leading lights or in such 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.

11. Vessels Not to be Made Fast to Navigational 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 navigational purposes.

12. Notification of Collisions etc

The master of a vessel which:

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded, or become stranded in the harbour area; or
- (b) by reason of accident, fire, defect or otherwise is in such condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- (c) in any manner gives rise to an obstruction to a fairway

shall forthwith report the occurrence to the harbourmaster (and as soon as practicable thereafter provide the harbourmaster 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 harbourmaster.

13. **Vessels Adrift**

The master of a vessel which parts from its moorings shall, as soon as reasonably practicable, report the same to the harbourmaster.

14. **Navigation Through Mooring Areas**

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.

15. **Navigation With Regard to Divers, Dredging, Obstructions**

The master of a vessel underway shall cause the vessel to go at minimum navigable speed when it is within 30 metres of any location where sunken vessels or other obstructions are being lifted or removed, where moorings are being drawn or fixed, where underwater or diving operations are in progress, or when it is passing a vessel which is engaged in dredging operations. When passing such obstructions or operations, he shall so navigate the vessel as to cause no danger, injury, damage or interruption to the said operations.

16. Navigating Whilst under Influence of Drink or Drugs

- (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 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.

17. Regulation of Bathing, Diving and Underwater Activities

Except in an emergency no person shall bathe, dive or engage in any activity in or under the water in any part of the harbour area without the permission of the harbourmaster.

18. Regulation of Water Ski-ing, Aqua-Planing and Para-Kiting

- (1) No person shall engage in or take part in water ski-ing, or the use of jet skis, jet foils or aqua-planing or similar water activities in the harbour area, except with permission in writing from the harbourmaster given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as the harbourmaster may impose.

- (2) A master whilst using his vessel for the purpose of towing a water skier or a person aqua-planing shall have on board 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-
- (a) for each person on board, a lifejacket manufactured in accordance with the appropriate British Standards specification or a personal buoyancy aid of the Ship and Boat Builders National Federation approved type, two hand held distress signals and a fire extinguisher;
 - (b) for each person water ski-ing or aqua-planing, a rescue quoit with line or other sufficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing or similar airborne activities in the harbour area without the prior written consent of the harbourmaster, given either specifically or generally and in accordance with such reasonable conditions as may be imposed.

19. Launching of Dinghies etc

- (a) No person shall launch a dinghy or like vessel into the harbour area without the harbourmaster's permission.
- (b) Any master of such a vessel which has been hauled up on to harbour premises shall cause it to be removed when so requested by the harbourmaster.

20. Boat Races, Regattas, Public Events etc

- (a) The organiser of any boat race, regatta, or public event when a number of vessels or persons might be expected to assemble in a harbour area, shall obtain written permission from the Authority not less than 28 days prior to the intended date of the event
- (b) The organiser shall ensure that the event is conducted in accordance with any conditions which are imposed by the Authority and subject to any additional 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.

21. Regulation of Fishing

- (1) No person shall fish in the harbour area without the permission of the harbourmaster and where such permission is granted, any such permitted person shall fish so as not to interfere with navigation.
- (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 quay or from any vessel in the harbour area, and shall include the setting of creels, traps, boxes, nets and related activities.

22. Storage of Vessels (Including beaching)

- (1) No vessel shall be stored in or on harbour premises without the prior consent of the harbourmaster. All requests for storage shall be made in writing to the harbourmaster 7 days prior to the date storage is to commence.
- (2) Except in an emergency the permission of the harbourmaster shall be obtained prior to hauling up

any vessel upon any beach or beaching facility. The permission of the harbourmaster shall not be unreasonably withheld.

- (3) For the avoidance of doubt, this byelaw does not apply to temporary beaching of vessels for painting or repair purposes.

23. Breaking up, Removal and Abandonment of Vessels

- (1) No person shall break up a vessel or permit or cause it to be broken up in the harbour area without the permission in writing of the harbourmaster and in accordance with such reasonable conditions as he may impose.
- (2) Where, in the reasonable opinion of the harbourmaster, a vessel has been abandoned then the Authority may arrange for it to be removed from the harbour. Any expenses arising from the removal of the vessel shall be paid for by the owner or master of the vessel.
- (3) No person shall abandon a vessel at a berth or on a quay or the shore of the harbour.
- (4) For the purposes of paragraph (3) of this byelaw, a person who leaves a vessel at a berth or on a quay or the 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.

PART IV - BERTHING AND MOORING

24. Provision of Ropes and Proper Fenders

- (1) Any vessel which navigates within the harbour area shall be equipped with good and sufficient ropes or warps ready for use and capable of securing the vessel safely.
- (2) The master and the owner of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their vessel and when berthing or leaving, or lying at a quay or against other vessels, the master shall cause the vessel to be fended off from the quay or those other vessels (the offside vessel always fending off from the inside one) so as to prevent damage to that quay, those other vessels, or other property.
- (3) Fenders shall be constructed wherever possible so as to ensure that they do not sink, if lost overboard.

25. Vessels to be Properly Berthed

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

- (2) 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 the 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 quay.

- (3) The master of a vessel which has unloaded shall, when required by the harbourmaster, instantly remove the vessel from the quay to make room for other vessels to unload.
- (4) Notwithstanding the provisions of sub-section (1) of this byelaw, the master of a vessel may seek, and the harbourmaster may, in his discretion, grant in writing and subject to such conditions as circumstances dictate, a waiver of the requirement as to the ready availability of competent persons, always provided that the master of the vessel shall lodge with the harbourmaster the names and addresses of competent persons in the vicinity who may be contacted to attend to the vessel, as required by this byelaw.
- (5) If the master of a vessel or a competent person cannot be located or if they refuse or delay in complying with any instruction given by the harbourmaster then the harbourmaster may remove the vessel to such location as he considers appropriate and the expenses of such removal shall be paid by the owners or master of the vessel.

26. Vessels Not to Make Fast to Unauthorised Objects

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

27. Vessels to be Kept in a Moveable Condition

(1) A master shall keep his vessel so loaded and ballasted and in such condition that it is capable of being safely removed except where the vessel is lying aground.

(2) Where a vessel is at any time not capable of being safely moved, the master or owner shall inform the harbourmaster as soon as practicable except where it is necessary to carry out immediate and essential repairs.

28. Security of Moorings of Tiered Vessels

The master of a vessel which is moving or being moved from its moorings in a tier of vessels shall ensure that the moorings of any other vessels which are disturbed in the process are to the extent of any disturbance made safe.

29. **Use of Engines While Moored or Berthed**

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 manner as to cause injury or damage or displacement to the bed, bank or walls of the harbour or to any other vessel or property.

30. **Lost Anchor, Cable or Propeller**

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

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

31. **Fouled Moorings**

If at any time the anchor of a vessel fouls any mooring or electric or other cable within the harbour area, the master of

the vessel shall forthwith give notice thereof to the harbourmaster and shall, if it is safe and practicable, await his instructions before taking any clearing action.

32. Lights on Vessels at Moorings

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 outer side 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 ONTO HARBOUR PREMISES**

33. Loading and Unloading of Cargo

The master of a vessel, while loading or unloading cargo, ice or ballast, shall supervise, or appoint another competent person to supervise the operation.

**34. Matter falling into waters of Harbour Area or onto
Harbour Premises**

- (1) No person shall cause or allow 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 any other material whether solid or liquid to fall or escape from, or to be blown from or to leak from a vessel or a vehicle within the harbour area. In the event of such an occurrence the person shall notify the harbourmaster accordingly and shall take such corrective measures as the harbourmaster may instruct.

- (2) In particular and without prejudice to the generality of sub-section (1) of this byelaw -
- (a) the master of a vessel on to or from which such cargo, gear or equipment or material is being loaded or unloaded shall, to the satisfaction of the harbourmaster, ensure that a sufficient tarpaulin, canvas, polythene sheet or chute is so fastened to the vessel and vehicle or other receptacle, as the case may be, as effectively to prevent any material from falling into a harbour area or on to harbour premises.
 - (b) the master of a vessel or the owner of a vehicle from which such cargo, load, gear or equipment or material falls, escapes or otherwise becomes deposited in the harbour area or on to harbour premises, shall report

the incident to the harbourmaster, including the circumstances and the position, nature and quantity of the material, if known.

- (c) the master of a vessel or the owner of a vehicle from which such cargo, bad, 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 the harbourmaster may impose, lay down such materials at harbour premises for temporary storage.
 - (d) the owner of a vehicle on to which such load, gear or equipment or material has been loaded shall cause it to be properly secured and be in such a position that neither danger nor nuisance is likely to be caused to any person or property.
- (3) For the avoidance of doubt and without prejudice to sub-section (2) above, the provisions of this byelaw shall apply to any equipment or materials used in connection with the maintenance or repair of a vessel.

- (4) This byelaw shall not apply to the leakage on to harbour premises from a catch or load of wet fish in process of Immediate delivery to or removal from harbour premises, to the leakage or discharge of uncontaminated water from a cooling system or to any substance, the discharge or escape of which is subject to the provisions of any other enactment.

PART VI-FISH MARKET AND FISH LANDINGS

35. Landing of Fish

All fish to be landed at the harbour for sale locally will be deposited within the fish market. All fish to be landed at the harbour not for sale locally will be landed in an area as directed by the harbourmaster.

36. Vessels at the fish market

Vessels landing fish at the fish market shall do so under the direction of the harbourmaster. When traffic permits, vessels may land fish alongside, otherwise vessels shall be moored bow on. The master shall remove his vessel from the fish market as soon as his catch has been landed unless the harbourmaster otherwise permits.

37. Stowage of Fish in fish market

All fish for local sales shall be laid out within the fish market as directed by the harbourmaster. Fish not for sale within the fish market shall be loaded on a vehicle or stacked in boxes in an area directed by the harbourmaster.

38. Fish Sales, Removal of Fish from Fish Market

- (1) No person shall sell fish by auction at harbour premises outwith the fish market or any part of harbour premises which has been temporarily designed as such.
- (2) No person, except with the permission of the harbourmaster, shall move within the fish market any fish which has been landed for sale by auction prior to the conclusion of the sale.
- (3) No person shall sell fish by auction outwith such times as the harbourmaster may decide.
- (4) At the conclusion of a fish sale, all fish shall be removed as soon as possible from the fish market and the fish salesman shall ensure that any fish which is unsold shall be removed from the fish market.

39. Vehicle Traffic at Fish Market

Vehicles proceeding to uplift from the fish market shall use the access road and turning point provided and at all times drivers will carry out any instructions to be given by the harbourmaster. When the numbers of vehicles loading at the fish market take up the whole of the loading space, vehicles will form an orderly queue outwith the area of the access road and only proceed along the access road when space is available at the loading bank. No back end loading will be permitted.

40. Admission to Fish Sales

No person shall, except with the permission of the harbourmaster, enter into a fish market prior to an auction other than those who are engaged in the landing, buying, selling, tallying, weighing and sorting of fish and the members of the crew of any fishing vessel which has a catch of fish to unload.

41. Processing of Fish

No processing of fish will be permitted within the fish market.

42. Empty Fish Boxes

No empty fish boxes will be left in the fish market except at the area provided as indicated by the harbourmaster.

43. Gear or Equipment

No gear or equipment will be left or stored in the fish market at any time except for short periods for repair work and with the permission of the harbourmaster.

44. Animals

No person shall cause or permit any animal (other than fish) which belongs to them to enter within or to remain in the fish market

PART VII - GOODS AND ROAD TRAFFIC

**45. Requirements as to Handling and Movement of Goods
In the Harbour**

(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 the harbourmaster otherwise agrees.

(2) The owner of any goods shall comply with such decisions as the harbourmaster 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 premises.

46. Obstruction or Interference at Harbour Premises

No person shall -

- (a) except with the permission of the harbourmaster, deposit or place on any part of the harbour premises any goods, materials, commodities, gear or equipment so as to obstruct any road, quay, mooring place, building, plant, machinery, apparatus or fire hydrants or the access thereto, or
- (b) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

47. Safe Driving of Vehicles

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

48. Speed Limit for Vehicles

No person shall drive any vehicle anywhere in the harbour premises at a speed greater than 10 miles per hour.

49. Regulation of Vehicles

Save as hereinafter provided no person shall be permitted to drive or to leave any vehicle within the harbour premises.

Nothing in this byelaw shall apply to-

- (1) the driving or leaving of any vehicle on a public road;
- (2) any vehicle being used in connection with commercial operations or activities which are authorised by the harbourmaster;
- (3) any vehicle being used in connection with any building operation or demolition, construction or repair work relating to the harbour premises or to any vessel berthed in the harbour;
- (4) any vehicle being used for police, fire, ambulance or coastguard purposes; and
- (5) any vehicle being used in connection with local authority statutory purposes.

50. Supervision of Vehicles

An owner of a vehicle in the harbour premises shall at all times comply with any directions of the harbourmaster with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the harbourmaster, leave the vehicle unattended anywhere within the harbour premises other than in any location designated for the parking of vehicles.

51. Loads to be Secured

The owner of a vehicle shall ensure that any load carried thereon or therein is properly secured, and that it complies with all statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

52. Driving Restrictions

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.

53. Parking of Vehicles

No person shall at the harbour premises leave or cause to be left any vehicle -

- (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 or waiting at any particular location,
- (c) in contravention of any instruction which may be issued by the harbourmaster, 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.

54. Refuelling etc of Vehicles

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

55. Accidents to be Reported

Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises 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 harbourmaster, and shall give his name and address to the harbourmaster.

PART VIII: HEALTH, SAFETY AND AMENITY**56. Hatches to be Closed at Night**

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.

57. Access Across Decks

- (1) The master of a vessel which is berthed shall give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside, and shall permit free passage across or over the deck of his 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 any vessel shall, for any of the said purposes, provide on his 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.

58. Stowage of Sails, Riggings etc

The master of a vessel which is berthed in the 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.

59. Control of Noise

- (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) Noise from all engines, machinery and any activity undertaken in the harbour area must be controlled as far as reasonably practical.
- (3) Any master of a vessel who causes or permits any person to act in contravention of this byelaw shall be in breach of this byelaw.

60. Radio Controlled Equipment

No person shall in the harbour area use any radio controlled equipment without the permission in writing of the harbourmaster, and then only on such conditions as he may impose.

61. Use, etc of Plant, etc at Harbour Premises

- (1) No person shall-
 - (a) use, work, move, interfere with or remove any machinery in the harbour area, except with the permission of the harbourmaster, and with the authority of the owner, or
 - (b) except with the permission of the harbourmaster and, where appropriate the statutory undertaker, use or interfere with any electricity, gas or water supply on harbour premises.
- (2) Any user of the harbour discovering or causing damage to any machinery provided for use in the harbour area shall report said damage to the harbourmaster as soon as possible and shall observe any instructions given by the harbourmaster regarding the future use of the machinery.

62. Lifesaving Apparatus

- (1) No person shall use or interfere with any lifesaving apparatus or appliance provided by the Authority in the 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 IX - GENERAL

63. Inspection Facilities etc to be Made Available to harbourmaster

The master of a vessel shall, so far as may reasonably be required by the harbourmaster in the exercise of his duties, afford the harbourmaster access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

64. Vessels Not to be Fumigated Without Permission

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

65. Laying Down Moorings, Buoys and Other Tackle

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

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

66. Dumping in Harbour Waters Prohibited

Notwithstanding the prohibitions specified at byelaw 34 above no person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever, or place it in a position that it can fall, blow or drift into the harbour.

67. No Dragging or Grappling Without Permission

No person shall drag or grapple for any material or article, nor remove the same from the bed of any water area of the harbour, without the consent of the harbourmaster.

68. Vessels to Have Names Marked on Them

The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894, as amended by the Merchant Shipping (Registration Etc) Act 1993, 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.

69. Storage of Gear or Equipment

Harbour premises may be used for the temporary storage of gear or equipment provided the gear and equipment are stored in a manner to the satisfaction of the harbourmaster. When so required by the harbourmaster the gear and equipment shall be removed by the owner thereof, falling which the harbourmaster shall be entitled to (a) remove it to such location as he considers appropriate, the expenses of such removal to be paid by the owner thereof and (b) keep it until payment of the expenses of such removal and of the keeping of the gear and equipment is made to the harbourmaster.

70. Assistance to Fire and Other Services

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 an emergency.

71. Fire Precautions

- (1) No person shall make use of welding, burning or cutting equipment within the harbour for the purpose of effecting repairs or any other work on board vessels or on the harbour premises without the consent of the harbourmaster and subject to such

conditions as the harbourmaster may impose. Any person using such equipment shall take all reasonable precautions to minimise the risk of fire therefrom.

- (2) The master of a vessel and any person working on or in a vessel in the harbour area shall take all reasonable precautions for the prevention of accidents by fire.

72. Obstruction of Officers of the Authority

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

73. Meetings

Except with the consent of the harbourmaster, no person shall within the harbour premises -

- (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.

74. Unauthorised Trading Prohibited

No person shall engage by the way of trade, in buying or selling any goods or property in the harbour premises (other than fish in terms of Part VI of these byelaws) without the written consent of the Authority.

75. Fouling by Dogs

Any person in charge of a dog who allows it to deposit its excrement within any part of the harbour premises shall be deemed to be guilty of an offence and shall be subject to the penalty specified at byelaw 78 hereof.

76. Persons on Board

- (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.

77. Loitering at Harbour Premises

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.

PART X - PENALTIES**78. Penalties**

- (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 upon him by these byelaws, shall be guilty of an offence and be liable, on summary conviction to a fine not exceeding level 2 on the standard scale.
- (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 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:

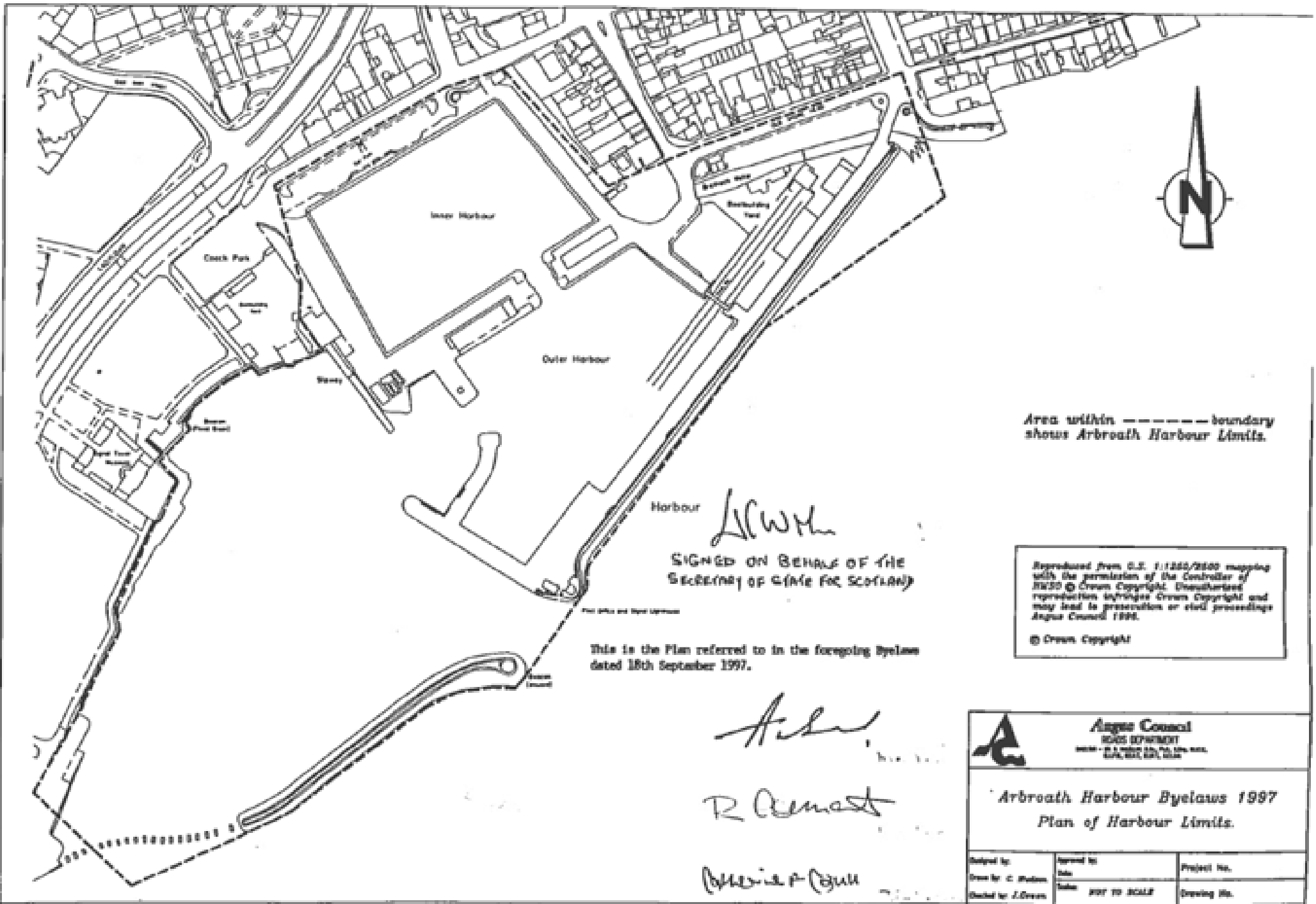
- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
- (b) that he had a legitimate reason for his act or failure to act.

PART XI - PREVIOUS BYELAWS

79. All the byelaws made by the Authority or their predecessors in respect of Arbroath Harbour prior to the date of making hereof are hereby revoked.

Made by Angus Council on the Eighteenth day of September Nineteen Hundred and Ninety seven.

Confirmed by the Secretary of State for Scotland by virtue of Section 202 of the Local Government (Scotland) Act 1973 on the Eighth day of December Nineteen hundred and ninety seven.



Area within ----- boundary shows Arbroath Harbour Limits.


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Harbour
LJWH
 SIGNED ON BEHALF OF THE
 SECRETARY OF STATE FOR SCOTLAND

This is the Plan referred to in the foregoing Byelaws dated 18th September 1997.

R Ernest

Angus Council

 Angus Council 1000 BOWEN 1000 BOWEN 1000 BOWEN		
Arbroath Harbour Byelaws 1997 Plan of Harbour Limits.		
Designed by:	Approved by:	Project No.
Drawn by: C. Maden	Date:	
Checked by: J. Green	Scale: NOT TO SCALE	Drawing No.

