

GLENSANDA HARBOUR BYELAWS 1986

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GLENSANDA HARBOUR BYELAWS

1986

Foster Yeoman Limited, in exercise of the powers conferred by section 17 of the Glensanda Harbour Order 1985 and all other powers enabling them in that behalf, hereby make the following byelaws.

PART I — PRELIMINARY

Title and commencement

1. These byelaws may be cited as the Glensanda Harbour Byelaws 1986.

Application

2. These byelaws shall apply to all parts of the harbour and to the harbour premises as defined in byelaw 3 hereof.

Interpretation

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

"the Company" means Foster Yeoman Limited;

"goods" means all articles and merchandise of every description and includes fish, livestock and animals;

"harbour" means the area specified in section 15 of the Glensanda Harbour Order 1985;

"harbour master" means the person appointed as such by the Company and includes his authorised deputies, assistants and any other person authorised by the Company to act in that capacity;

"harbour premises" 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 Company;

"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 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 the time being;

"owner" when used in relation to a vessel includes any part owner or charterer and any mortgagee in possession of the vessel or other person 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;

"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" means a ship, boat, raft or water craft of any description and includes non-displacement craft, sea-planes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

Vessel movements

4. (1) The master of a vessel which normally trades to sea shall give prior notice to the harbour master of the vessel's entry into or departure from the harbour, and of its arrival at or departure from the harbour premises and of any other movement within the harbour.

(2) The master of a vessel which does not normally trade to sea, shall on arrival at or departure from the harbour premises, or making any other movement of his vessel within the harbour premises give prior notice to the harbour master.

Declaration of particulars of vessel

5. The master of a vessel arriving at the harbour shall, if required by the harbour master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the name, port of registry, length overall, beam, tonnage and draught of the vessel, name of the master, its last port of call, destination and particulars of any cargo.

Vessels to navigate with care

6. The master shall navigate his vessel with such care and caution and at such a speed and in such a 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.

Vessels not to obstruct berthing and unberthing operations

7. The master of a vessel shall not cause or permit his vessel to obstruct interfere with or approach any vessel carrying out berthing or unberthing manoeuvres without the prior permission of the harbour master.

Vessels not to make fast to navigation buoys or marks

8. 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.

9. 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 a 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 harbour master and as soon as practicable thereafter provide the harbour master 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 harbour master:

Provided that this byelaw shall not apply when both or all of the vessels involved in a collision are engaged in racing under International Yacht Racing Union or Union International Motonautique rules for the time being in force.

Vessels adrift

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

PART II – BERTHING AND MOORING

Vessels to be properly berthed

11. 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

12. Except with the permission of the harbour master, the master of a vessel which normally trades to sea 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 harbour master for the mooring, unmooring and moving of his vessel; and

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

Vessels to be kept in a moveable condition

13. (1) The master of a vessel which normally trades to sea shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the harbour master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such a condition that it is capable of being safely moved.

(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 harbour master forthwith and give to him any further infomation which the harbour master may reasonably require.

Use of engines while vessel moored or berthed

14. 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 to the bed or banks of the harbour or to any other vessel or property.

Vessels not to make fast to unauthorised objects

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

Access across decks

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

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 harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs, shall cause it to be recovered as soon as practicable.

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

PART III – GOODS AND ROAD TRAFFIC

Requirements as to handling and movement 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 the harbour master otherwise agrees.

(2) The owner of goods shall comply with such directions as the harbour master 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.

(3) In this byelaw "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.

Precaution against goods etc. falling into harbour waters or the Company'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 harbour master 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 Company.

Obstruction or interference at harbour premises

20. No person shall –

(a) except with the permission of the harbour master, deposit or place on any part of the harbour premises any goods or park any vehicle so as to obstruct the 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 premises.

Safe driving of vehicles

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

Speed limit for vehicles

22. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 15 miles per hour.

Supervision of vehicles

23. A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the harbour master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the harbour master –

(a) leave the vehicle unattended anywhere within the harbour premises; or

(b) take it into any shed or working area.

Loads not to leak, spill or drop

24. The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle.

Loads to be secured

25. The owner, driver or other person having charge of the vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured.

Refuelling etc. of vehicles

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

Accidents to be reported

27. 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 harbour master and shall give his name and address to the harbour master.

PART IV – GENERAL

Inspection facilities etc. to be made available to the harbour master

28. The master of a vessel shall afford the harbour master on production of his authority, all reasonable facilities for the inspection and examination of the vessel when it is reasonably required by him for the purpose of ascertaining whether any relevant part of these byelaws is being duly observed.

Navigation under the influence of drink and drugs prohibited

29. 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 transfer bunkers without permission

30. The master or owner of a vessel shall not cause or permit bunkers to be transferred to or from the vessel without prior permission of the harbour master.

Vessels not to be fumigated without permission

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

Laying down moorings, buoys and other tackle

32. (1) No person shall lay down any mooring, buoy or similar tackle without a licence or prior consent in writing of the harbour master nor except in accordance with such conditions as the harbour master 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 harbour master so directs.

Dumping in harbour prohibited

33. 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

34. No person shall cast or place any drift, trawl or other net or any static fishing gear in such a position as to be likely to become an obstruction or danger to any vessel during the course of berthing or unberthing manoeuvres.

No dragging or grappling without permission

35. No person shall drag or grapple for any material or article nor remove same from the bed of any water area of the harbour without the written consent of the harbour master:

Provided that this byelaw shall not apply to areas approved by the harbour master for the purpose of mooring recreational craft.

Vessels to have names marked on them

36. The owner of a vessel which is not registered as a ship under the Merchant Shipping Acts 1894 or 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Company.

Abandonment of vessels prohibited

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

(2) For the purpose 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.

38. (1) No person shall engage or take part in water skiing or aquaplaning except with the written permission of the Company given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.

(2) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning 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 life jacket 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 skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device.

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

Assistance to fire and other services

39. 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

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

Obstruction of officers of the Company

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

Penalty for breach of byelaws

42. (1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the harbour master in the exercise of the powers conferred upon him by these byelaws shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding £100.

(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 persons 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 reasonable excuse for his act or failure to act.

(4) If in any case the defence provided by paragraph (3) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

Given under the Common Seal of Foster Yeoman Limited this 11th day of August 1986.

J.G.W. SMART Finance Director.

R.A. PRITCHARD Company Secretary

The Secretary of State for Transport hereby confirms the foregoing byelaws, and fixes the 3rd day of November 1986 as the date when these byelaws shall come into operation.

Signed by authority of the Secretary of State this day 7th of October 1986.

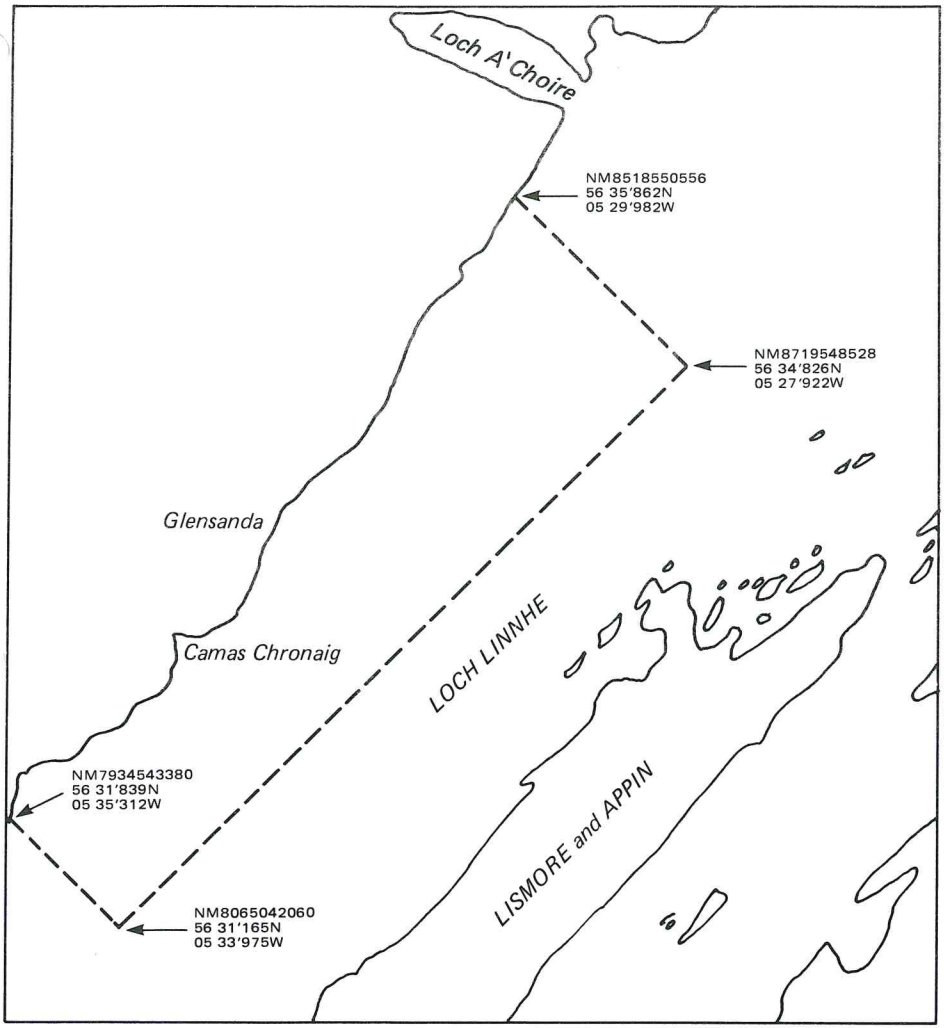
J.R. FELLS
Assistant Secretary of
the Department of Transport

FOSTER YEOMAN LIMITED

Glensanda Harbour

LOCH LINNHE SHOWING THE LIMITS OF THE COMPANY'S JURISDICTION REFERRED TO IN THE BYELAWS.

LIMITS OF JURISDICTION SHOWN THUS _ _ _ _ _ _



NOTE

This note does not form part of these byelaws but is included informally to identify the limits of jurisdiction of the Company. These limits are specified in section 15 of the Glensanda Harbour Order 1985 and are indicated on the map annexed to this note. The map is not intended to be definitive and for exact details of the limits of jurisdiction, reference must be made to section 15 of the Order of 1985.