



Cromarty Firth Port Authority

BYELAWS 1985

CROMARTY FIRTH PORT BYELAWS 1985

The Cromarty Firth Port Authority, in exercise of the powers conferred by Section 46 of the Cromarty Firth Port Authority Order Confirmation Act 1973 and of all other powers them enabling, hereby make the following byelaws.

PART I - PRELIMINARY

TITLE & COMMENCEMENT

- 1 These byelaws may be cited as the Cromarty Firth Port Byelaws 1985 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State for Transport.

APPLICATION

- 2(1) These byelaws shall apply to all parts of the port, the limits of jurisdiction of which are set forth in Schedule 1 to the Cromarty Firth Port Authority Order Confirmation Act 1973 and to the port premises as defined in byelaw 3 hereof.
- (2) Nothing in these byelaws shall be deemed to apply to vessels and servants of Her Majesty or of her allies engaged in operations for Defence purposes (as to which the Queen's Harbour Master, Rosyth, shall be the sole judge).

INTERPRETATION

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

'the Authority' means the Cromarty Firth Port Authority as defined by Section 5 of the Cromarty Firth Port Authority Order Confirmation Act 1973;

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

'the port premises' means the docks, landing places and all other works, land and buildings for the time being vested in belonging to or administered by the Authority as part of their undertaking;

'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 the 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;

'pleasure craft means any vessel or boat, whether self propelled or not, not engaged in commercial activity;

'port manager' means the person appointed as such pursuant to Section 8 (Staff of Authority) of the Cromarty Firth Port Authority Order Confirmation Act 1973, and includes the deputies and assistants of the person so appointed and any other person authorised by the Authority to act in that capacity;

'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;

'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, seaplanes 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.

PART II - NAVIGATION

VESSEL MOVEMENTS

- 4(1) The master of a vessel which trades to sea shall give prior notice to the port manager of the vessels arrival at, departure from or movement within, the port.
- (2) The master of a pleasure craft shall not cause his vessel to approach within 30m of any drilling structure or associated visible moorings except as may be required on final approach to the West Harbour.

DECLARATION OF PARTICULARS OF VESSEL

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

VESSEL TO NAVIGATE WITH CARE

6. 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

7. Except with the permission of the port manager and, subject to byelaw 6, the master of a vessel which trades to sea shall not cause or permit the vessel to proceed at a speed greater than 8 knots.

SMALL VESSELS NOT TO OBSTRUCT FAIRWAY

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

VESSELS NOT TO BE MADE FAST TO NAVIGATION BUOYS OR MARKS

9. 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.

10. The master of a vessel which —
 - (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, or has been sunk or grounded or become stranded in the port; 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 port manager (and as soon as practicable thereafter provide the port manager with full details in writing) and where the damage to a vessel is such as to affect or be likely to affect its sea-worthiness 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 port manager.

Paragraphs (b) and (c) shall not apply to pleasure craft.

VESSELS ADRIFT

- 11. The master of a vessel which parts from its moorings shall as soon as possible report the same to the port manager.

PART III — BERTHING AND MOORING

PROVISION OF PROPER FENDERS

- 12. 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 and leaving or lying at the 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

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

ACCESS TO AND EGRESS FROM VESSELS

- 14. The master of a vessel (other than a small vessel) while berthed alongside the quay shall provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

SUFFICIENCY OF CREW

- 15. Except with the permission of the port manager, the master of a vessel shall at all times when his vessel is within the port ensure that his vessel is capable of being safely moved and navigated and that

there are sufficient crew or other competent persons readily available, or, in the case of a small vessel, who can be contacted –

- (a) to attend to his vessel's moorings;
- (b) to comply with any directions given by the port manager 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

16(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 port manager 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 port manager forthwith and give to him any further information which the port manager may reasonably require. Byelaw 16 shall not apply to pleasure craft.

USE OF ENGINES WHILE VESSEL MOORED OR BERTHED

17 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 port or to any other vessel or property.

VESSELS NOT TO MAKE FAST TO UNAUTHORISED OBJECTS

18 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

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

LOST ANCHOR, CABLE OR PROPELLER

20(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 port manager notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the port manager 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 IV - GOODS & ROAD & RAIL TRAFFIC

REQUIREMENTS AS TO HANDLING AND MOVEMENT OF GOODS IN THE PORT

- 21 The owner of any goods shall comply with such directions as the port manager 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 port premises.

PRECAUTION AGAINST GOODS, ETC. FALLING INTO PORT WATER OR ONTO PORT PREMISES

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

OBSTRUCTION OR INTERFERENCE AT PORT PREMISES

- 23 No person shall —
- (a) except with the permission of the port manager, deposit or place on any part of the port premises any goods or park any vehicle 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 port premises.

SAFE DRIVING OF VEHICLES

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

SUPERVISION OF VEHICLES

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

LOADS NOT TO LEAK, SPILL OR DROP

- 26(1) The owner, driver or other person having charge of a vehicle in the port premises shall not permit any substance to leak, spill or drop from the vehicle.
- (2) This byelaw shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not have been reasonably prevented.

LOADS TO BE SECURED

- 27 The owner, driver or other person having charge of a vehicle in the port premises 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. OF VEHICLES

- 28 No person shall within the port premises charge or recharge any vehicle with, or empty it of, fuel except with the permission of the port manager.

DRIVING ON WEIGHBRIDGES

- 29 No person shall drive or otherwise operate a vehicle across any weighbridge within the port premises except for the purpose of weighing the vehicle.

ACCIDENTS TO BE REPORTED

30. Any person driving or otherwise operating a vehicle involved in an accident in the port 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 port manager and shall give his name and address to the port manager.

PART V — GENERAL

NAVIGATION UNDER THE INFLUENCE OF DRINK OR DRUGS PROHIBITED

- 31 A person shall not navigate any vessel in the port 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

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

LAYING DOWN MOORINGS, BUOYS AND OTHER TACKLE

- 33(1) No person shall lay down any mooring buoy, or similar tackle without the prior consent in writing of the port manager nor except in accordance with such conditions as the port manager 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 port manager so directs.

BUMPING IN PORT WATERS PROHIBITED

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

DRIFT OR TRAWLING NETS NOT TO OBSTRUCT VESSELS

- 35 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

- 36 No person shall drag or grapple for any material or article nor remove the same from the bed of any water area of the port without the consent of the port manager. This byelaw shall not apply to areas approved by the port manager for the purpose of mooring recreational craft.

VESSELS TO HAVE NAMES MARKED ON THEM

- 37 The owner of a vessel which is not registered 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

- 38(1) No person shall abandon a vessel on the banks or shore of the port.
- (2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel on the banks or shore of the port 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 SKI-ING, AQUAPLANING etc.

- 39(1) No person shall engage or take part in water ski-ing or aquaplaning except in areas of the port so designated from time to time by the port manager.
- (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 ski-ing or aquaplaning, a rescue quilt with line or other sufficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the port without the prior written consent of the port manager given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

ASSISTANCE TO FIRE AND OTHER SERVICES

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

FIRE PRECAUTIONS

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

OBSTRUCTION OF OFFICERS OF THE AUTHORITY

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

BOAT RACES, REGATTAS etc.

- 43(1) The organiser of any boat races, regattas, public procession or other public event, when a number of vessels is expected to assemble on the waters of the port or its approaches, shall give not less than 7 days' notice thereof to the port manager.
- (2) Every boat race, regatta, procession or other public event shall require the prior approval of the Authority and be conducted on courses and at times previously approved by the port manager.

HOUSEBOATS, etc.

- 44 No person shall moor a houseboat or pleasure craft used for residential purposes in the port without the written consent of the port manager.

ELECTRIC WELDING PLANT

- 45(1) No person shall use any electric welding plant or oxyacetylene cutting or welding plant within the port premises or on a vessel within the port, or cause such plant to be used at or within 30 metres (which is approximately 98 feet) of any such vessel, except with the written permission of the port manager and subject to such conditions as he may prescribe.
- (2) No person shall cause or permit a vehicle carrying such plant to enter any shed, warehouse or similar building within the port premises.

INTERFERENCE WITH PORT APPARATUS, ETC.

- 46 No person shall, without the permission of the port manager set in motion, interfere with, obstruct or impede the use of, any machinery, equipment or apparatus provided by the Authority in the port.

EMERGENCIES AND LIFE SAVING

- 47 Nothing in these byelaws shall apply with respect to anything done reasonably by the master of a vessel in emergency or whilst the vessel is engaged in any operation directed to saving life.

PENALTIES

- 48(1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the port manager 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 £50.
- (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 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 reasonable excuse for his actor failure to act.
- (4) If in any case the defence provided by paragraph (3) (a) of this byelaw involves the allegation that the commission of the offence was due to the actor 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 the
Cromarty Firth Port Authority this
22nd day of October, 1980

H A Patience, Chairman
W A Easson, Secretary

Signed by authority of the Secretary of State this tenth day of November, 1985.

J A Battersby
An Assistant Secretary of the Department of Transport.”

The foregoing byelaws were confirmed by the Secretary of State as modified by him on 10 November 1985. The Secretary of State’s modifications have been incorporated in this print of the byelaws.

NOTE I

This note does not form part of these byelaws but is included informally to identify the limits of jurisdiction of the Authority. Those limits are defined in Schedule 1 to the Cromarty Firth Port Authority Order Confirmation Act 1973.

NOTE II

This note does not form part of these byelaws but mariners are warned that mooring chains/wires from drilling structures are frequently under high tension and can lie very close to the surface for considerable distances from such structures.