

TARBERT (LOCH FYNE) HARBOUR AUTHORITY BYELAWS 1989

The Tarbert (Loch Fyne) Harbour Authority as the Authority for the harbour of Tarbert, Loch Fyne, in exercise of the Powers conferred on them by Section 83 of the Harbours, Docks and Piers Clauses Act 1847, as read with Sections 10 and 11 of the Harbours, Piers and Ferries Act 1937, make the following Byelaws:-

PRELIMINARY

Title and Commencement

1. These Byelaws may be cited as the Tarbert (Loch Fyne) Harbour Byelaws and shall come into operation on the expiry of 28 days after the date of confirmation by the Secretary of State.

Division into Parts 2.

2. These Byelaws are divided into parts as follows:-

- Part 1 - Interpretation
- Part 2 - Navigation
- Part 3 - Mooring & Anchoring
- Part 4 - Miscellaneous

Application of Byelaws

3. These Byelaws shall apply to all parts of the Harbour, the limits of Jurisdiction of which are set forth in Byelaw 30 and to the Harbour premises as defined in Byelaw 5 hereof.

Collision Regulations

4. Where expressions used in these Byelaws are also used and defined in the Collision Regulations, those expressions shall have the same meaning unless they are particularly defined in these Byelaws.

PART 1 - INTERPRETATION

5. In these Byelaws, unless the context otherwise requires, the following words and expressions shall have the meanings hereby respectively assigned to them:-

"Berthed" when used in relation to a vessel, means secured to a wharf, quay, pier, pontoon, stage or harbour wall or secured to any other vessel so berthed. "Collision Regulations" means regulations for the prevention of collisions at sea made under Section 21 of the Merchant Shipping Act.

"Dangerous Substances" shall mean substances as defined in Section 3 of the Dangerous Substances in Harbours Order Regulation 1987.

"Fairway" means a navigable channel which is a regular course or track of shipping and in particular the passage between the Perch at Madadh Maol and the light on Eilean a Choic.

"Harbour Dues" means any charges imposed by the Harbour Authority in respect of the mooring or berthing of any vessel, or in respect of the discharge or loading of any goods or fish.

"Harbour Master" means the Harbour Master appointed for the time being by the Harbour Authority and includes his Deputies and Assistants, and any other person appointed by the Harbour Authority to act in his capacity.

"Harbour Premises" means all landing places and all other walls, land or buildings for the time being vested in, belonging to or administered by the Authority as part of their undertaking.

"Master" when used in relation to any vessel, means any person having taken control, charge or management of the vessel for the time being.

"Moored" when used in relation to any vessel, means a vessel:-

- (i) Secured to a mooring chain or mooring buoy either ahead or astern, or both, in a position approved by the harbour Master;
- (ii) Secured by anchors either ahead or astern, or both, in a position approved by the Harbour Master;
- (iii) Secured to another vessel moored as in (i) and (ii) above.

"Owner" when used in relation to any vessel, includes any owner, part owner, or charterer to whom the vessel is demised, or mortgagee in possession of a vessel and any agent acting for, or on behalf of such owner, part owner, charterer or mortgagee in possession of a vessel.

"Inner Harbour" means that area of the Harbour to the west side of an imaginary line between Madadh Maol on the South Side and Leac Bhuide on the North Side and would include the area known as Olu Ceall Linn.

"Outer Harbour" means that area of the Harbour bounded on the East by an imaginary line between Rhuda Loist and Gabhaird and in the West by the line between Madadh Maol and Leac Bhuide.

"Harbour Authority" means the Tarbert Loch Fyne Harbour Authority.

PART 2 - NAVIGATION

Notice of Arrival, Departure or Movement

6. (a) Vessel Movements. The Master of every vessel which trades to sea shall, whenever practicable, give prior notice to the Harbour Master of that vessel's arrival at, or departure from, and movement within the Harbour.

(b) Declaration of Particulars of Vessels. Without prejudice to any other of these Byelaws, the Master of any vessel to be moored or berthed in the Harbour shall first provide the Harbour Master with the following information:-

- (i) The vessel's name and Port of Registry.
- (ii) The gross tonnage.
- (iii) The arrival date.
- (iv) The Vessel's overall length.
- (v) The reason for entering the Harbour, including, without prejudice to the foregoing generality, details of goods to be landed or loaded.
- (vi) Advice of any dangerous substances carried.
- (vii) Advice on any animal carried failing with Quarantine Regulations.

Competant Person to be In Charge

7. (a) The Master of a vessel which normally trades to sea shall not absent himself from such vessel while it is within the Harbour, unless he makes known to the Harbour Master in advance the name and whereabouts of some person who shall be readily available and is in the opinion of the Harbour Master competent to shift or move the vessel and attend to the moorings of the vessel as the Harbour Master directs, or as may be necessary.

(b) The Harbour Master, may at any time, if he should deem it necessary for the proper ordering of the Harbour, move, or cause to be moved, at the owner's risk, any vessel moored in the Harbour.

Vessels to be Navigated with Care and Caution

8. No Master shall navigate a vessel:-
(i) Without care or caution; or
(ii) At a speed or in a manner which, having regard to all the circumstances at the time, including weather conditions and the type, condition and use of other vessels underway, berthed or moored, or which might reasonably be expected to be underway, berthed or moored, endanger the Safety of, or cause injury or damage to any person, any other vessel, buoy, moorings, pontoons or any other property; or
(iii) Without easing the engines when entering the inner Harbour or when passing any vessel employed in dredging, underwater work, or working at any buoy or mooring.

Vessels Not to Exceed 3 Knots

9. Notwithstanding the provisions of Byelaw 8 hereof no Master shall navigate a vessel including small boats, dinghies and yacht tenders without the permission of the Harbour Master at a speed exceeding 3 knots through the water within the limits of the inner harbour.

Position of Sunken Vessels

10. The Master of a vessel which has sunk or has grounded shall forthwith give to the Harbour Master notice thereof, and of the position of such vessel, and such particulars as may be required for the Safety of Navigation.

Notice to be given of Accidents

11. The Master of a vessel which has been in collision, or on fire, or has sustained damage, or which has caused damage to other vessels or property shall give immediate notice of the incident to the Harbour Master, and where damage to a vessel is such that it affects or is likely to affect its seaworthiness, the Master thereof shall not move the vessel other than to clear the fairway, or moor or anchor in safety, except with the permission of the Harbour Master and in accordance with his directions.

Notice to be Given Of Damaged Vessels

12. The Master of a vessel which has sustained damage outside the Harbour which affects or is likely to affect its seaworthiness, or from which oil is escaping or is likely to escape, shall give notice thereof to the Harbour Master, and the vessel shall not enter the Harbour except with the permission of the Harbour Master and in accordance with his directions.

Vessels Not to Obstruct Fairway

13. The Master of a Vessel whether under power or sail which is not confined to the fairway, shall not make use of the fairway, so as to cause obstruction to other vessels which can navigate only within such fairway, and shall give such vessels a clear course and as wide a berth as safe navigation requires.

Vessels Not to cause Nuisance

14. The Master of a vessel within the harbour shall not permit such vessel to be a nuisance by reason of noise or emission of fumes or smoke, or by any other reason.

PART 3 - MOORINGS & ANCHORING

Allocation of Berth

15. (a) On the arrival of a vessel, the Master shall forthwith apply to the Harbour Master for a berth.
(b) Berths shall be allocated by, and at the discretion of the Harbour Master, and except in emergency no vessel shall occupy a berth which has not been allocated to it.

Vessels Berthed to be laid Close Alongside

16. The Master of every vessel which is berthed shall ensure that the vessel is laid as close as possible alongside the pontoon, quay or wall at which she is berthed, and that neither the vessel nor her moorings obstruct other vessels, nor hamper the use of the Harbour by any other vessel.

Provision of Fenders

17. The Master 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 a quay or pontoon, or against other vessels, the Master shall cause the vessel to be fended off from that pontoon or quay or those other vessels, so as to prevent damage to that pontoon, quay or other vessels or to other property.

Engines not to be used

18. The Master of every vessel which is berthed or moored shall ensure that her engines are not worked in such a manner as to cause damage to other property.

Vessels Not to Anchor in a Fairway

19. Except in an emergency, no person shall anchor a vessel in such a manner as to cause the obstruction of a fairway.

General Control of Moorings

20. (a) No person shall lay down a permanent private mooring within the harbour limits without the prior written approval of the Harbour Board. (N.B. Persons requiring running moorings for small boats may apply to the Harbour Master who will allocate space if available at the time.)

20. (b) If the owner of any mooring shall fail to comply with any direction of the Harbour Master to remove, modify or reposition such mooring, the Harbour Master may, on giving where reasonably practicable, fourteen days notice to the last known address of the owner (or where the owner is not known, giving fourteen days notice by placing said notice on the Harbour Board Notice Board) take such steps as he may think fit for the purpose of removing, modifying or repositioning of the mooring.

20. (c) Boat owners renting mooring space from the Harbour Board but owning their own mooring equipment shall not be permitted to sell or transfer such space to any third party. Such owners shall be obliged to intimate their desire to terminate their use of the mooring space to the Harbour Board and the Harbour Board shall be entitled to purchase the mooring equipment from them at an agreed price or if a price cannot be agreed to insist that the mooring equipment is removed from the space.

20. (d) All expenses incurred by the Harbour Master in terms of Paragraph (b) hereof, shall be recoverable from the owner of the mooring.

Harbour Authority Moorings

21. Except with the permission of the Harbour Master, no person shall use moorings in the control or possession of the Harbour Authority and not more than one vessel shall be placed at any one mooring.

Persons hiring Harbour Authority moorings for six months or, yearly periods must assume responsibility for the supply and upkeep of the mooring junk swivel and shackles. The Harbour Authority maintains the safety of the block, riser chain and float.

PART 4 - MISCELLANEOUS

Water Ski-ing, Aqua-planing, etc.

22. No person shall engage or take part in water ski-ing or aqua-planing within the inner and outer Harbour Limits except with the written permission of the Harbour Authority 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.

Boat Races and Regattas

23. The organiser of any Boat Race, Regatta or any other similar occasion, when a number of vessels is expected to assemble in the Harbour shall give not less than twenty-eight days Notice in writing thereof to the Harbour Master. All boat Races, Regattas or similar events shall be conducted on courses and at times previously approved by the Harbour Master. The Harbour Authority may cancel or alter any conditions of such approval on giving, where reasonably practicable, notice to the organiser at least fourteen days before the proposed date of the event.

Vessels Not to be Beached for Repairs

24. Except in an emergency, no person shall cause or permit a vessel to be beached for repairs or maintenance in the Harbour except as authorised by the Harbour Master and shall in case of such emergency beaching, inform the Harbour Master as soon as possible thereafter.

Rubbish Not to be Thrown into the Harbour Area or on the Shore

25. (a) No person shall throw or cast any dirt, rubbish, soil, fish or fish guts, shells or other matter, or put or cause or procure or allow to fall or flow any offensive or injurious matter or thing, whether solid or liquid into the Harbour or upon the shores or any part thereof. The provisions of this Byelaw shall not apply to the discharge or escape of any substance, the discharge or escape of which is subject to the Prevention of Oil Pollution Act 1971.

Goods and Equipment Not to be Abandoned in the Harbour.

25. (b) No person shall deposit any goods or equipment within the Harbour without the consent of the Harbour Master.
25. (c) Any person depositing goods or equipment in the Harbour or on the Quays or the Pontoons must remove them forthwith on receipt of a Notice in writing from the Harbour Trustees requiring their removal.
25. (d) The Food and Environment Protection Act 1985 (FEPA). Harbour users are reminded that under FEPA no article or substance may be deposited in the sea unless licensed by the Secretary of State.

No Vessel to be Broken up or Destroyed without Consent of the Harbour Master.

26. No person shall set fire to or destroy or break up any vessel or wreck in the Harbour except with the prior permission of the Harbour Master in writing. The owner of such vessel or wreck shall be liable for the removal thereof if it becomes derelict.

Lost Anchor, Chain, Cable or Propeller

27. (a) The Master of a vessel which has slipped, parted for or lost any anchor, chain, cable or propeller shall forthwith give to the Harbour Master Notice thereof and if possible, the position of such anchor, chain, cable or propeller to be recovered as soon as practicable in accordance with the directions of the Harbour Master, and at the expense of the Master for the vessel.

27. (b) The Master of a vessel slipping or parting from her anchor shall leave a buoy to mark the position of such anchor.

Limits of Jurisdiction

28. (a) The Limits of Jurisdiction of Tarbert (Loch Fyne) Harbour shall comprise the Loch called East Tarbert from the point of Garval on the North to P. Loigst point on the South, thence shorewards to level of MLWOST to the Harbour wall at West End Loch and including the Harbour Walls, Fish Pontoons and Buildings and all lands between high low water around the perimeter of the Loch, as defined in the Pier and Harbour Order Confirm (No. 1) Act 1912.

Obstruction of Officers of the Authority.

29. (a) No person shall substantially obstruct Officer or employee of the Authority in the execution of his duties.

Refusal to comply

29. (b) Any vessel or person refusing to comply with foregoing Byelaws may be requested by the Harbour Master to leave the Harbour, but this shall not prejudice the provisions of Byelaw 34.

Inspection Facilities etc., to be made available to the Harbour Master

30. The Master of the vessel shall so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for inspection and examination.

Payment of Dues

31. All users of the harbour or its facilities or any of them are reminded that under the Harbours Act 1964 they are liable to pay dues to the Harbour Master in a sum with the Schedule of Rates and Dues approved by the Harbour Authority from time to time or such sum as shall be agreed with the Board.

Parking on Harbour Authority Property

32. (a) The Harbour Authority reserves the right to control or prohibit parking on any part of the Harbour Authority property.

32. (b) Any person being asked by the Harbour Master or other person duly authorised by the Harbour Authority to move vehicles will do so forthwith.

Exemption for Her Majesty's vessels.

33. While Her Majesty's vessels shall be expected to comply with the foregoing Byelaws, they shall be exempt from compliance with Byelaw Numbers 7(b) and 31 hereof at all times and from compliance with these Byelaws generally in times of Emergency or in the interests of National Security.

Penalties

34. (a) Anyone who contravenes or otherwise fails to comply with any of these Byelaws shall be guilty of an offence and be liable, on conviction before a Court of Summary Jurisdiction, to a fine at level 3 of the Standard Scale.

34. (b) 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 liable for the 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 taken against the other person.

34. (c) In any proceedings for an offence under these Byelaws, it shall be a defence for the person charged to prove:-

- (i) That he took all reasonable precautions exercised all due diligence to avoid the commission of such an offence.

MADE AND ENACTED BY THE TARBERT (LOCH FYNE) HARBOUR AUTHORITY ON THE 21st DAY OF OCTOBER, 1988.

MacArthur Stewart & Company,
Clerks to Tarbert (Loch Fyne) Harbour Authority,
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