

## THE FIFE COUNCIL HARBOURS BYELAWS 1996

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The Fife Regional Council in exercise of its powers under section 201 of the Local Government (Scotland) Act 1973 and in respect of Pittenweem Harbour section 18 of the Pittenweem Harbour Order Confirmation Act 1992 and of all other enabling powers hereby make the following byelaws:-

### PART I: PRELIMINARY

Title	1. These byelaws may be cited as The Fife Council Harbours Byelaws 1996.
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 a harbour area
	Part IV - Berthing and mooring
	Part V - Cargoes, ballasting, vehicular loads and materials brought on to harbour premises
	Part VI - Regulation of vehicular traffic
	Part VII - Health, safety and amenity
	Part VIII - Fire precautions
	Part IX - Fishing vessels and fish markets
	Part X - Miscellaneous
	Part XI - Penalties
	Part XII - Previous Byelaws
	Schedule - Definitions of harbour areas
Application of Byelaws	3. These byelaws shall apply to the harbour areas at Aberdour, Anstruther, Cellardyke, Crail, North Queensferry, Pettycur, Pittenweem and St. Monans as defined herein and as shown on the plans executed as relative to these byelaws.

### PART II: INTERPRETATION

4. (1) In these byelaws, unless the context otherwise requires, the following words and expressions shall have the following meanings:-

"berthed" when used in relation to a vessel means secured to a pier, quay, jetty, wharf, 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;

"the Council" means the Fife Council;

"fairway" means any navigable channel in a harbour area which is marked, dredged or maintained as such by the Council;

"fish" means any type of wet fish, including shellfish but excluding packed fish;

"fish market" means any part of a harbour area which has been specifically designated by the Council or temporarily designated by the harbourmaster for the purchase and sale of fish and includes any part of harbour premises which has been specifically reserved 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;

"goods" means all wares, merchandise and articles of every description, including fish (whether wet or packed) and livestock of all descriptions and oils, liquids and gases;

"harbour area" means a sea area defined in the Schedule hereto within which the Council for the time being exercises jurisdiction as a harbour authority and includes any harbour premises adjacent thereto;

"harbour premises" means the quays, piers, landing places and all other works, land and buildings for the time being vested in or occupied or administered by the Council as harbours authority;

"harbourmaster" means any person appointed by the Council and includes deputies, assistants and any person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of the harbourmaster;

"machinery" means all cranes, weighing machines, plant and equipment which belong to or are leased by the Council 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 a vessel, means any person for the time being having or taking the command, charge or management of a vessel 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;
- (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) in relation to goods, any shipper or agent for the sale, receipt, custody, loading or unloading and clearance of the same, including any other person in charge of the goods and their agent in relation thereto;
- (b) in relation to a vessel, any part owner, broker, charterer, agent or mortgagee in possession thereof; and
- (c) in relation to a vehicle, any part owner or agent or person having charge of the vehicle for the time being;

"pier" includes any pier, quay, jetty, bridge, wharf or other landing place in a harbour area;

"radio-controlled apparatus" 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;

"vessel" means every description of vessel, however propelled or moved, and includes -

- (a) any thing constructed or used to carry persons or goods by water;
- (b) any rig, platform or other man-made structure on or in navigable water;
- (c) a seaplane on or in the water, a hovercraft and a hydrofoil vessel;
- (d) any other structure capable of floating on water (or which would be so capable if in proper repair) and used or capable of being used for habitation;

"wet fish" includes all fish, molluscs and crustaceans, whether living or dead, but does not include -

- (a) fishmeal, fish manure or fish guano, or
- (b) fish, molluscs or other crustaceans which are, or have been, tinned, frozen solid in blocks or otherwise processed;

(2) For the avoidance of doubt, the byelaws in Part IX of these byelaws shall -

- (a) apply in addition to, and not instead of, any other of these byelaws, and
- (b) prevail over any other of these byelaws where there is any inconsistency.

(3) The marginal notes to these byelaws are inserted for convenience of reference only and shall not in any manner affect the construction or meaning or affect anything contained in these byelaws.

(4) Any reference in these byelaws to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(5) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

**PART III: ENTRY INTO, EXIT FROM AND NAVIGATION WITHIN A HARBOUR AREA**

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| Entry and berthing of vessel                  | 5. | (1) The master of a vessel within a harbour area 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.  |
|   |    | (2) The time at which and the manner in which any vessel shall enter into, leave or lie in a harbour area and its berthing, mooring or unmooring whilst there shall be in accordance with the directions of the harbourmaster.   |
| Report on arrival                             | 6. | On the arrival of any vessel in a harbour area, the master of the vessel shall, when required, provide the harbourmaster with the following particulars:-  |
|   |    | (a) the name and description of the vessel;  |
|   |    | (b) the name of the master; and  |
|   |    | (c) the name and address of the owner of the vessel.   |
| Care and caution                              | 7. | The master of a vessel shall navigate the vessel with such care and caution and at such speed and in such a manner as not to endanger the lives of or cause injury to persons or damage to property nor to interfere with the loading or unloading of other vessels or with moorings or other property, and the Collision Regulations shall apply. |
|   |    | (NOTE: Any person who navigates a vessel in contravention to the Collision Regulations renders himself liable to prosecution in terms of the Merchant Shipping Act, 1979, or any amending enactment.)  |
| Navigation through mooring areas              | 8. | The master of a vessel shall not navigate through a mooring area unless he is about to moor the vessel or leave a harbour area.  |
| Use of engines while vessel moored or berthed | 9. | The master of a vessel, when it is moored or at rest in a harbour area, shall not cause or permit the engines of the vessel to be worked in such a manner as to cause injury or damage to the bed or banks of a harbour area or to any other vessel or property.   |

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| Collisions, defective vessels, obstructed fairway | 10. | The master of a vessel which -   |
|   |     | (a) has been involved in a collision with any vessel or property in a harbour area or has been sunk or grounded or become stranded in a harbour area, or   |
|   |     | (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property, or  |
|   |     | (c) in any manner gives rise to an obstruction to a fairway,   |
| Ropes and fenders                                 | 11. | (1) The master of a vessel which navigates within a 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 of a vessel which goes alongside another or berths at a pier which itself is not adequately fendered shall cause the vessel to be equipped with a sufficient number of fenders to prevent damage to the pier or other vessels (the offside vessel fending off from the inside one). |
| Lost anchor, cable, fender or propeller           | 12. | (1) The master of a vessel which has slipped, parted from or lost any anchor, chain, cable, fender, propeller or like device shall as soon as practicable notify the harbourmaster.  |
|   |     | (2) The master of the vessel shall leave a buoy to mark the position of the said anchor, chain, cable, fender, propeller or like device and, where practicable, cause the said anchor, chain, cable, fender, propeller or like device to be recovered as soon as possible.                         |



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| <p>Navigation with regard to divers, dredging, obstructions</p> | <p>13.</p> | <p>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.</p>   |
| <p>Navigating whilst under influence of drink or drugs</p>      | <p>14.</p> | <p>(1) No person shall navigate or attempt to navigate a vessel while unfit by reason of drink or drugs.</p> <p>(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.</p>  |
| <p>Obstruction of fairways</p>                                  | <p>15.</p> | <p>(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 navigation requires.</p> <p>(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.</p> <p>(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.</p> |
| <p>Regulation of bathing, diving and other activities</p>       | <p>16.</p> | <p>(1) Any person who bathes, dives or engages in any activity in or under the water so far as permitted by these byelaws does so at their own risk and shall immediately cease that activity when so instructed by the harbourmaster. The Council may, if they consider it appropriate, prohibit bathing in the harbour area or any part of it.</p> <p>(2) Divers must report to the harbourmaster prior to diving in the harbour area and comply with recognised maritime regulations and raise the 'A' flag.</p>  |

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| <p>Regulation of water skiing, aqua-planing, etc.</p> | <p>17.</p> | <p>No person shall engage in or take part in water skiing, aqua-planing, wind surfing, kiting and parachute-towing or similar water or airborne activities in a harbour area except with permission in writing from the Council or a harbourmaster given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as the Council or the harbourmaster may impose.</p> |
| <p>Launching of vessels, etc., and hauling up</p>     | <p>18.</p> | <p>(1) No person shall launch a vessel within the harbour area or haul a vessel on to any pier or other harbour premises without the permission of the harbourmaster.</p> <p>(2) Any master of such a vessel which has been hauled up on to a beach in a harbour area shall cause it to be removed when so requested by the harbourmaster.</p>  |
| <p>Unserviceable vessels</p>                          | <p>19.</p> | <p>(1) The harbour area will be kept clear of unserviceable vessels and other obstructions at all times. An unserviceable vessel is one that is not capable of being safely moved.</p> <p>(2) Except in an emergency no vessel shall be hauled up upon any beach or beaching facility without the permission of the harbourmaster.</p>  |
| <p>Breaking up and Removal of vessels</p>             | <p>20.</p> | <p>(1) No person shall break up a vessel or permit or cause it to be broken up in a harbour area without the permission in writing of the harbourmaster and in accordance with such reasonable conditions as he may impose.</p> <p>(2) Where, in the reasonable opinion of the harbourmaster, a vessel has sunk or has been abandoned by its owner then the harbourmaster may arrange for the vessel to be removed from the harbour.</p>    |
| <p>Regulation of fishing</p>                          | <p>21.</p> | <p>(1) No person shall fish in a harbour area so as to interfere with navigation or where fishing is prohibited by notice of the Council.</p> <p>(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.</p>   |

(3) In this byelaw, "fishing" refers to fishing from any pier or from any vessel in a harbour area, and shall include the setting of creels, traps, boxes, nets and related activities.

Boat races, regattas, public processions etc.

22. (1) The organiser of any boat race, regatta, public procession or any similar event, when a number of vessels or persons might be expected to assemble in a harbour area, shall obtain permission in writing from the Council not less than 28 days prior to the intended date of the event.

(2) The organiser shall ensure that the event is conducted in accordance with any conditions which are imposed by the Council and subject to the 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.

#### PART IV: BERTHING AND MOORING

Berthing, mooring and removal - to be subject to harbourmaster's instructions

23. (1) 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 or berthings only and shall not lay out any moorings, buoys or other apparatus for any purpose,
- (b) so moor or berth 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 a 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 pier.

(2) The master of a vessel which has unloaded shall, when required by the harbourmaster, instantly remove the vessel from the pier to make room for other vessels to unload.

(3) 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.

(4) 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.

Security of "tiered vessels"

24. (1) All tiered vessels must be secured to the Pier with mooring ropes which do not form part of fishing gear.

(2) The master of a vessel which is moving or being moved from its berth 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.

Moorings for harbour craft

25. The master of a vessel which does not belong to or work for the Council shall not cause the vessel to be moored at any mooring which is provided specifically for harbour craft and clearly marked as such.

Fouled moorings

26. If at any time the anchor of a vessel fouls any mooring or electric or other cable within a 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.

Lights on vessels at moorings

27. The master of a vessel which is moored or berthed shall, when required by the harbourmaster, during the hours of darkness cause to be exhibited on the outside 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 or berthed in a tier, the light shall be exhibited by the outermost vessel of the tier.



# **PART V: CARGOES, BALLASTING, VEHICULAR LOADS AND MATERIALS BROUGHT ON TO HARBOUR PREMISES**

28. 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.

29. Matter falling into waters of harbour area or on to harbour premises: parts of vessel, cargo, gear, equipment and other materials (1) No person shall cause or allow - (a) 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 (b) any ballast, coals, stones, earth, ashes, dust, shavings, chips of wood, cinders, fish, fish offal, rubbish, refuse, sewage, garbage, oil waste or 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, if so directed by 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 a 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, load, 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 he 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.

Storage of vessels and fishing nets

30. (1) Harbour premises may be used for the storage of vessels over the winter period provided prior written consent has been obtained from the harbourmaster. All requests to store vessels must be made to the harbourmaster, in writing, at least seven days in advance.

(2) Harbour premises may be used for the temporary storage of fishing nets and associated gear for a period not to exceed 14 days or such longer period as may be agreed with the harbourmaster provided the nets and associated gear are stored in a manner to the satisfaction of the harbourmaster.

## **PART VI: REGULATION OF VEHICULAR TRAFFIC**

Regulation of vehicles

31. (1) While within or on harbour premises no vehicle shall be driven at a speed in excess of 10 m.p.h. and no person when driving or propelling a vehicle shall disobey the instructions of the harbourmaster relating to the regulation of traffic at harbour premises.

(2) The only vehicles permitted within or on harbour premises are those which are operated by or directly associated with the users of the harbour.

(3) The restrictions imposed by sub-sections (1) and (2) above do not apply to any part of harbour premises which form part of a public road.

Driving restrictions 32.

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.

Supervision of vehicles 33.

The owner of a vehicle on harbour premises shall at all times comply with any instructions of the harbourmaster with respect to the loading, unloading, manoeuvring and removal thereof, and he shall not, without the permission of the harbourmaster, leave the vehicle unattended on harbour premises other than in any location designated for the parking of vehicles.

Parking of vehicles 34.

No person shall at harbour premises park or cause to be parked 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 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.

Accidents to be reported 35.

Any person driving or otherwise operating a vehicle which is involved in an accident at harbour premises whereby any injury is caused to any person or animal or any damage is caused to any property, whether moveable or not, shall stop the vehicle and forthwith report the accident to the harbourmaster or, in his absence the police, and shall give his name and address and details of his vehicle registration and insurance cover to the harbourmaster or the police, as the case may be.

#### PART VII: HEALTH, SAFETY AND AMENITY

Hatches to be closed at night 36.

The master of a vessel shall at all times by night keep its hatches closed, unless -

- (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,
- or
- (c) adequate measures have been taken to ensure that the open hatches do not represent a hazard.

Access across decks 37.

(1) The master of a vessel which is berthed shall permit free passage across or over the deck of the vessel for the purpose of unloading or loading the cargo, ballast, fuel, stores or articles required for the repair of any other vessel or vessels which lie further off from the pier.

(2) The master of the vessel shall, for any of the said purposes, give on the 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.

Stowage of sails, riggings, etc. 38.

The master of a vessel which is berthed in a harbour area shall ensure that its sails, riggings, spars, anchors, fittings, trawl boards and any projections (other than projections which are integral parts of the vessel) are properly stowed in board.



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| Control of Noise                               | 39. | (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.  |
| Radio-controlled equipment or models           | 40. | No person shall in a harbour area use any radio-controlled equipment or models without the permission in writing of the harbourmaster, and then only on such conditions as he may impose.  |
| Obstruction or interference at harbour         | 41. | No person shall except with the permission of the harbourmaster, deposit or place in any part of a harbour area any goods, materials, equipment or commodities so as to obstruct any road, building, mooring place, plant, machinery or apparatus or access thereto.   |
| Use, etc., of plant, etc., at harbour premises | 42. | (1) No person shall -<br>(a) use, work, move, interfere with or remove any machinery in a harbour area, except with the permission of the harbourmaster, and with the authority of the owner, or<br>(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.<br>(2) Any user of the harbour discovering or causing damage to any machinery provided for use in the harbour area will report said damage to the harbourmaster as soon as possible and will observe any instructions given by the harbourmaster regarding the future use of the machinery. |
| Lifesaving apparatus                           | 43. | (1) No person shall use or interfere with any lifesaving apparatus or appliance provided by the Council in a harbour area or at harbour premises other than for the purposes of life saving, testing or maintaining the apparatus or appliance.  |

- (2) No person shall place any vehicle, machinery or goods in such a position as to obstruct access to any lifesaving apparatus or appliance.

#### PART VIII: FIRE PRECAUTIONS

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| Fire precautions on board vessels | 44. | The master of a vessel and any person working on or in a vessel in a harbour area shall take all necessary precautions for the prevention of accident by fire.   |
| Fire precautions                  | 45. | No person at any harbour premises shall, except with the permission of the harbourmaster, strike or kindle any flame or fire or operate apparatus capable of producing combustion or carry any flame or fire whether it is covered or naked: provided that nothing in this byelaw shall prohibit -<br>(a) on any vessel, in the saloons, cabins, crew's quarters and galleys or for the purpose of heating main or donkey boilers, the use of fires consuming only coal or other fuels approved by the Council or the harbourmaster or, in the use of oil burning vessels, fuel oil with a flash point of not lower than 65° Celsius, or<br>(b) the use of lighters or matches at those parts of harbour premises referred to in Byelaw 47 for the purpose of smoking there, or<br>(c) the proper use of ship repairing equipment in or on any vessel for which the master has been granted the permission of the harbourmaster. |
| Flammable materials               | 46. | (1) Any person in charge of any flammable substance which is in, upon or about harbour premises or upon the deck of a vessel within a harbour area shall cause it immediately to be removed to a place of safety after use.<br>(2) No person shall boil or heat any flammable substance in, on or about harbour premises or on board a vessel within a harbour area except in such place and in such manner as may be permitted by the harbourmaster.  |
| Smoking                           | 47. | No person shall smoke tobacco or any other herb or substance in any part of harbour premises where smoking is prohibited by notice of the Council,   |



Fire appliances, 48. (1) No person shall use or interfere with any fire appliance or fire apparatus or the contents thereof other than for the purpose of extinguishing a fire or for the purposes of testing or maintaining the appliance or apparatus.

(2) No person shall place any vehicle, machinery or goods in such a position as to obstruct access to any fire appliance or apparatus.

Electric 49. No person shall use any welding plant or cutting plant welding plant within a harbour area or on a vessel therein except with the permission and subject to such conditions as the harbourmaster may impose.

# PART IX: FISHING VESSELS AND FISH MARKETS

Allocation and 50. (1) Where - conservation of space and (a) the master of a fishing vessel, or unloading and (b) the owner of a vehicle, removal of fish

has a catch of fish for immediate unloading at a fish market, he shall -

(i) take the space allocated to him by the harbourmaster, remove his vessel or vehicle therefrom as soon as his catch is landed or unloaded, and otherwise implement any of the instructions of the harbourmaster with regard generally to the conservation of space at the fish market, and

(ii) cause the catch of fish to be unloaded as a continuous operation, unless the harbourmaster otherwise permits.

(2) Where the master of a fishing vessel or the owner of a vehicle does not take up the space allocated to his vessel or vehicle, as the case may be, because either -

(a) he seeks to postpone the time at which the catch is unloaded, or

(b) he otherwise fails to enable the catch to be unloaded immediately,

he shall implement any instructions which may be issued by the harbourmaster with regard to the removal of the vessel or the vehicle, as the case may be, to another location to enable the space to be re-allocated.

(NOTE: Fishing vessels and vehicles shall be allocated space at a fish market with reference to their time of arrival there, unless the master of the vessel or owner of the vehicle, as the case may be, specifically requests that the time of unloading be postponed.)

Time of fish 51. Persons selling fish by auction shall do so at times agreed sales with the harbourmaster.

Admission to 52. No person shall, except with the permission of the fish sales 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.

Fish sales 53. (1) No person shall sell fish by auction at harbour premises outwith a fish market or any part of harbour premises which has been temporarily designated as such.

(2) At the conclusion of a fish sale, fish salesmen shall ensure that any fish which is unsold shall be removed from the fish market.

Processing of 54. (1) No person shall cause any fish to be gutted, packed, fish at harbour premises cleaned, cured or otherwise processed -

(a) except with the permission of the harbourmaster, in a harbour area or at harbour premises outwith a fish market, or

(b) except with the permission of the harbourmaster, in a fish market.

(2) Where any person is granted permission in terms of sub-section (1) of this byelaw, he shall observe or implement any conditions which may be imposed by the harbourmaster, as the case may be. In particular, he shall, unless otherwise granted permission in writing, remove any fish box, barrel, package or other article which is used in connection with the buying, selling, gutting, packing, cleaning, curing or other processing of fish, from harbour premises within such time as may be specified by the harbourmaster.

- Animals 55. No person shall cause or permit any animal (other than fish) which belongs to them to enter into or to remain in a fish market.

#### PART X: MISCELLANEOUS

- Boarding vessels 56. The master of a vessel shall afford to the harbourmaster, on the production of some duly authenticated document showing his authority, or as required, 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.

- Vessels to have name marked on 57. The owner of any vessel which is not registered as a ship under 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.

- Persons on board 58. (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.

- Regulation of commerce on vessels 59. No person shall, except with permission in writing from the Council and subject to such reasonable conditions as the Council may impose, use or cause or permit to be used any vessel which is moored in a harbour area (other than a vessel used *bona fide* for navigation) for the purpose of carrying on thereon any trade, profession or other business.

- Regulation of retailing 60. No person shall without the permission in writing from the Council retail any article of merchandise (other than fish in terms of Part IX of these byelaws) in any part of the harbour premises.

- Loitering at harbour premises 61. 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.

- Outboard engines 62. All outboard engines which are not lifted in board must be guarded to avoid damage to other vessels within the harbour area.

- Fouling by dogs 63. (1) While on harbour premises dogs must be kept on a lead at all times.

- (2) No person in charge of a dog shall allow it to deposit its excrement on any vessel within the harbour area or on any part of the harbour premises including any fishing nets or associated gear located in or on the harbour premises.

- (3) Where in the opinion of the harbourmaster the presence of dogs on harbour premises would not be desirable then the harbourmaster may direct that dogs be excluded from the harbour premises.

- Payment of Harbour Dues 64. The harbourmaster is entitled to exclude or remove from the harbour area any vessel owned or under the control of a person who has not paid outstanding harbour dues.

#### PART XI: PENALTIES

- Penalties 65. (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 on him by these byelaws shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

- (2) Where the commission of an offence under these byelaws by any person 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 the offence, or
- (b) that he had a reasonable excuse for his act or failure to act



## PART XII: PREVIOUS BYLAWS

66. All the bylaws made by the Council or their predecessors in relation to any of the harbour areas are hereby revoked.

Made by the Fife Regional Council on the Twentieth day of December Nineteen Hundred and Ninety-four.

### CONFIRMATION OF THE BYELAWS

The Secretary of State confirmed the foregoing Byelaws made by the Fife Regional Council on 11th June, 1996 with modifications, effect to which has been given in this print which in a true copy of the Byelaws as confirmed.

D. S. ALLAN  
HEAD OF LAW AND ADMINISTRATION  
FIFE COUNCIL

Fife House,  
GLENROTHES.

7th August, 1996.

## SCHEDULE

### HARBOUR AREAS

The area of water in the Firth of Forth below the level of high water and bounded as follows:-

#### ABERDOUR HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NT 19216 84800 on the level of high water adjacent to the Aberdour golf course (Point 1 on the plan); thence in a straight line in an easterly direction for a distance of 306 metres to a point at NT 19522 84800 (Point 2 on the plan); thence in a straight line in a north-easterly direction for a distance of 190 metres to a point at NT 19678 84909 (Point 3 on the plan); thence in a straight line in a south-south-easterly direction for a distance of 122 metres to a point at NT 19732 84800 (Point 4 on the plan); thence in a straight line in an easterly direction for a distance of 50 metres to a point at NT 19782 84800 (Point 5 on the plan); thence in a straight line in a north-north-easterly direction for a distance of 109 metres to a point on the level of high water at NT 19820 84902, near the disused pier at Hawkeraig Point (Point 6 on the plan); thence by the level of high water to the point of commencement.

#### ANSTRUTHER HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NO 56372 03180 on the level of high water adjacent to the golf clubhouse, Anstruther (Point 1 on the plan); thence in a straight line in a south-easterly direction for a distance of 221 metres to a point at NO 56500 03000 (Point 2 on the plan); thence in a straight line in an easterly direction for a distance of 600 metres to a point at NO 57100 03000 (Point 3 on the plan); thence in a straight line in a northerly direction for a distance of 516 metres to a point on the level of high water at NO 57100 03516 some 120 metres east of the root of the east pier at Anstruther (Point 4 on the plan); thence by the level of high water to the point of commencement.

#### CELLARDYKE HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point NO 57600 03717 on the level of high water adjacent to No 45 George Street (Point 1 on the plan); thence in a straight line in a southerly direction for a distance of 217 metres to a point at NO 57600 03500 (Point 2 on the plan); thence in a straight line in an easterly direction for a distance of 200 metres to a point at NO 57800 03500 (Point 3 on the plan); thence in a straight line in a northerly direction for a distance of 408 metres to a point on the level of high water at NO 57800 03908 some 30 metres east of Harbourhead, Cellardyke (Point 4 on the plan); thence by the level of high water to the point of commencement.

#### CRAIL HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NO 61102 07100 on the level of high water off West Braes, Crail (Point 1 on the plan); thence in a straight line in an easterly direction for a distance of 198 metres to a point at NO 61300 07100 (Point 2 on the plan); thence in a straight line in a north-north-easterly direction for a distance of 332 metres to a point on the level of high water at NO 61363 07426 some 70 metres south-east of the castle ruins, Crail (Point 3 on the plan); thence by the level of high water to the point of commencement.

#### NORTH QUEENSFERRY HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NT 12600 80503 on the level of high water, adjacent to the Forth Road Bridge north abutment (Point 1 on the plan); thence in a straight line in a southerly direction for a distance of 603 metres to a point at NT 12600 79900 (Point 2 on the plan); thence in a straight line in an easterly direction for a distance of 600 metres to a point at NT 13200 79900 (Point 3 on the plan); thence in a straight line in a north-north-easterly direction for a distance of 233 metres to a point on the level of high water at NT 13300 80110 near the north abutment of the Forth Railway Bridge (Point 4 on the plan); thence by the level of high water to the point of commencement.

#### PETTYCUR HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NT 26200 86288 on the level of high water on the foreshore near the holiday camp (Point 1 on the plan); thence in a straight line in a south-south-easterly direction for a distance of 401 metres to a point at NT 26300 85900 (Point 2 on the plan); thence in a straight line in an easterly direction for a distance of 400 metres to a point at NT 26700 85900 (Point 3 on the plan); thence in a straight line in a northerly direction for a distance of 232 metres to a point on the level of high water at NT 26700 86132 some 100 metres east of Pettycur pier (Point 4 on the plan); thence by the level of high water to the point of commencement.

#### PITTENWEEM HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NO 54476 02278 on the level of high water off West Braes, Pittenweem (Point 1 on the plan); thence in a straight line in a south-south-easterly direction for a distance of 180 metres to a point at NO 54500 02100 (Point 2 on the plan); thence in a straight line in an easterly direction for a distance of 600 metres to a point at NO 55100 02100 (Point 3 on the plan); and thence in a straight line in a north-north-easterly direction for a distance of 380 metres to a point on the level of high water at NO 55133 02479 off Abbey Wall Road, Pittenweem (Point 4 on the plan); thence by the level of high water to the point of commencement.

#### ST. MONANS HARBOUR AREA

The area of water in the Firth of Forth below the level of high water commencing at a point at NO 52400 01466 on the level of high water some 100 metres east of St. Monans Burn (Point 1 on the plan); thence in a straight line in a southerly direction for a distance of 166 metres to a point at NO 52400 01300 (Point 2 on the plan); thence in a straight line in an easterly direction for a distance of 400 metres to a point at NO 52800 01300 (Point 3 on the plan); thence in a straight line in a north easterly direction for a distance of 371 metres to a point on the level of high water at NO 52900 01657 off Rose Street, St. Monans (Point 4 on the plan); thence by the level of high water to the point of commencement.