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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 188**

**The Dumfries and Galloway Council  
(Kirkcudbright) Harbour Revision Order 2018**

**PART II**

**HARBOUR REGULATION**

**Powers to make byelaws, etc.**

**25.**—(1) The Council may from time to time make byelaws for the efficient management and regulation of the harbour and for the conservation of the natural beauty of all parts of all or any part of the harbour or any of the fauna, flora or physiographical features in the harbour and all other natural features.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

- (a) regulating the use, operation and superintendence of the harbour and the docks, berths, wharves, quays, piers, jetties, landing places, equipment, works and conveniences (including moorings);
- (b) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within the harbour;
- (c) regulating the berthing and mooring of vessels within the harbour and their speed and the use of tugs within the harbour;
- (d) preventing damage or injury to any vessels, goods, vehicles, plant, machinery, property or persons within the harbour;
- (e) regulating the conduct of all persons in the harbour not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (f) regulating the placing and maintenance of moorings within the harbour;
- (g) preventing and removing obstructions or impediments within the harbour;
- (h) regulating the use of ferries within the harbour;
- (i) regulating in the harbour the use of yachts, sailing boats, sailboards, rowing boats, pleasure craft and other small craft;
- (j) regulating the use of personal water craft in the harbour;
- (k) regulating the holding of regattas and other public events in the harbour;
- (l) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in sub-paragraph (i);
- (m) prohibiting persons in or entering the harbour, or any part thereof, from smoking therein;
- (n) regulating the movement and parking of vehicles within the harbour;
- (o) regulating the exercise of the powers vested in the harbour master.

- (3) For the purposes of sub-paragraph (2)(j) above “personal water craft” means any watercraft (not being a structure which by reason of its shape provides buoyancy for the carriage of persons or goods) propelled by a jet engine or other mechanical means of propulsion and steered either—
- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or
  - (b) by the person or persons riding the craft using their body weight for the purpose; or
  - (c) by a combination of the methods referred to respectively in sub-paragraphs (a) and (b).
- (4) Byelaws made under this article may—
- (a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given thereunder on summary conviction, fines not exceeding level 3 n the standard scale;
  - (b) relate to the whole of the harbour or harbour premises, or to any part thereof; or
  - (c) make different provisions for different parts of the harbour or harbour premises, or in relation to different classes of vessels.
- (5) Existing byelaws in respect of the harbour will remain in place as if they had been made under this order.