
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 410

The Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002

PART II

HARBOUR REGULATION

Byelaws

Powers to make byelaws, etc.

30.—(1) The Comhairle may from time to time make byelaws for the efficient management and regulation of a harbour area and the harbour undertaking.

(2) Without prejudice to the generality of paragraph (1) above, byelaws may be made under this article for the following purposes: _

- (a) regulating the use, operation and superintendence of a harbour area and the docks, berths, wharves, quays, piers, jetties, staiths, warehouses, sheds, landing places, locks, sluices, equipment, works and conveniences (including moorings);
- (b) regulating the admission to, and the movement within, and the departure of vessels from a harbour area or the removal of vessels, and for the good order and government of vessels whilst within a harbour area;
- (c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within a harbour area;
- (d) regulating the navigation, berthing and mooring of vessels within a harbour area and their speed and manner of navigation, and the use of tugs within a harbour area;
- (e) preventing damage or injury to any vessels, goods, vehicles, plant, machinery, property or persons within a harbour area;
- (f) regulating the conduct of all persons in a harbour area not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (g) regulating the placing and maintenance of moorings within a harbour area;
- (h) preventing and removing obstructions or impediments within a harbour area;
- (i) prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into a harbour area;
- (j) regulating the use of ferries within a harbour area;
- (k) regulating in a harbour area the use of yachts, sailing boats, sailboards, rowing boats, pleasure craft and other small craft;
- (l) regulating the holding of regattas and other public events in a harbour area;

- (m) regulating or prohibiting the activities in a harbour area 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 (k) above;
- (n) regulating the launching of vessels within a harbour area;
- (o) prohibiting persons working or employed in or entering a harbour area, or any part thereof, from smoking therein;
- (p) regulating or preventing the use of fires and lights within a harbour area, and within any vessels within a harbour area;
- (q) regulating the movement, speed and parking of vehicles within a harbour area;
- (r) regulating the use of any fish market provided by the Comhairle and the conduct of persons working therein or resorting thereto, and for preventing nuisance or annoyance thereat;
- (s) regulating the exercise of the powers vested in the harbour master;
- (t) making the carrying out of specified harbour operations, or the conduct of persons in a harbour area, subject to the approval (with or without conditions), control or direction of the harbour master, and for authorising him to take such action as may be reasonably required in default of compliance with any such condition, control or direction;
- (u) for the conservation of the natural beauty of all or any part of a harbour area or of any of the fauna, flora or geological or physiographical features in a harbour area and all other natural features.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons offending against them, or against any condition, requirement or direction imposed, made or given thereunder on summary conviction, fines not exceeding level 4 on the standard scale;
- (b) relate to the whole of a harbour area or to any part thereof;
- (c) make different provisions for different parts of a harbour area or in relation to different classes of vessels.

(4) Where a person is charged with an offence against a byelaw in force under this article, it shall be a defence that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him and, if he was at the material time the owner or master of a vessel, that all reasonable steps were taken to prevent the commission of the offence.

(5) Where the Scottish Ministers propose to exercise the power of modification conferred on them by subsection (10) of section 202 of the Local Government (Scotland) Act 1973⁽¹⁾, and the modification appears to them to be substantial, they shall inform the Comhairle and require it to take any steps they consider necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as they think reasonable for consideration of, and comment upon, the proposed modification by the Comhairle and by other persons who have been informed of it.

(1) 1973 c. 65.