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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 296**

**The Caledonian Maritime Assets (East  
Loch Tarbert) Harbour Revision Order 2019**

**PART 4**

**HARBOUR REGULATION**

**Byelaws**

**25.**—(1) CMAL may from time to time make byelaws for the efficient management and regulation of the harbour.

(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 berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour,
- (b) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour,
- (c) preventing damage or injury to any vessel, goods, property or persons within the harbour,
- (d) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in the execution of their duties,
- (e) preventing and removing obstructions or impediments within the harbour (other than anything falling within article 39 (power to remove goods)),
- (f) prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) in or into the harbour (other than from any vessel within the meaning of section 255 of the 1995 Act),
- (g) prohibiting persons in or entering the harbour or any part of the harbour, from smoking within the harbour,
- (h) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers, kite surfers, swimmers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in article 27(1)(h) (general directions to vessels),
- (i) regulating the use of fires, lights and pyrotechnics within the harbour (other than on any vessel within the meaning of section 255 of the 1995 Act),
- (j) regulating the type of vehicles which may enter or be within the harbour and the movement, parking, use, loading or unloading of vehicles within the harbour, and giving powers to officers or employees of CMAL in relation to such regulation,
- (k) regulating the holding of regattas and other public events in the harbour,
- (l) prohibiting or regulating fishing within the harbour,

- (m) prohibiting or regulating the sale of articles or the provision of services within the harbour,
  - (n) making the carrying out of specified activities, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master, and for authorising the harbour master to take such action as may be reasonably required in default of compliance with any such approval, condition, control or direction, and
  - (o) the conservation of the fauna and flora in the harbour.
- (3) Byelaws made under this article may—
- (a) provide for fines on summary conviction not exceeding level 3 on the standard scale for breach of any approval, condition, direction or requirement imposed under the byelaws,
  - (b) relate to the whole of the harbour or to any part thereof, and
  - (c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles or different specified activities.
- (4) Any power for CMAL to make byelaws in relation to the harbour under any of the following provisions shall cease to have effect—
- (a) section 83 of the 1847 Act,
  - (b) section 11 of the Harbours, Piers and Ferries (Scotland) Act 1937, and
  - (c) section 6 of the 1984 Order.
- (5) Before making byelaws under this section CMAL shall consult with such persons as CMAL considers are representative of users of the harbour.