

**ELIZABETH II**



**1979 CHAPTER viii**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Ross and Cromarty (Coastal Waters Pollution).

[26th July 1979]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation  
of Order in  
schedule.
2. This Act may be cited as the Ross and Cromarty (Coastal Waters Pollution) Order Confirmation Act 1979. Short title.

## SCHEDULE

### ROSS AND CROMARTY (COASTAL WATERS POLLUTION)

*Provisional Order to empower the Ross and Cromarty District Council to make byelaws for the prevention and suppression of pollution and other nuisances in connection with activities related to vessels in certain coastal areas adjacent to the district; to enact interim byelaws; and for related purposes.*

1973 c. 65.

Whereas under the Local Government (Scotland) Act 1973 the Ross and Cromarty District Council are the local authority vested with functions of a district council which functions include the control and prevention of pollution and functions related to public health for the district of Ross and Cromarty as described in Part III of Schedule 1 to that Act:

1967 c. 84.

1976 c. 86.

And whereas under subsection (6) (a) of section 4 of the Sea Fish (Conservation) Act 1967 as that section was substituted by section 3 of the Fishery Limits Act 1976 the licensing of fishing may be made subject to conditions, and the harbour of Ullapool on Loch Broom has thereby been specified as a port at which certain catches may be trans-shipped:

And whereas activities of fish processing and allied activities carried out from vessels in the waters of Loch Broom have given rise to pollution and other nuisances seriously detrimental to the amenities of the coastal areas adjoining the district, partly because of the discharge of fish offal and other products and partly by the occurrence of obnoxious odours, noise and other forms of nuisance:

And whereas it is apprehended that such activities, unless checked and controlled, will continue and may be repeated in other areas in and in the vicinity of such ports as may be specified under the Sea Fish (Conservation) Act 1967 as ports at which certain catches may be trans-shipped:

And whereas for the avoidance of such nuisance it is expedient that the powers of the said Council to make byelaws effective in their district should be extended so as to enable them to make byelaws for the control and prevention of nuisances in the said waters and other areas, and that until such byelaws are made the byelaws contained in the Schedule to this Order should have effect:

And whereas it is expedient that the other provisions of this Order should be enacted:

1936 c. 52.

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

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Now therefore in pursuance of the powers contained in the said Act of 1936 the Secretary of State hereby orders as follows:—

1. This Order may be cited as the Ross and Cromarty (Coastal Waters Pollution) Order 1979. Short title.

2.—(1) In this Order—

Interpretation.

“ the Council ” means the Ross and Cromarty District Council;

“ controlled area ” has the meaning given to that expression in subsection (2) below;

“ pleasure craft ” means any vessel used wholly or mainly for recreation, not being either a vessel for the carriage of passengers or goods for hire or reward, or a vessel used solely as a houseboat, mooring stage or pontoon;

“ territorial waters ” includes internal waters;

“ vessel ” means any vessel whose registered length exceeds 25 metres, not being—

(a) a vessel belonging to or in the service of the Crown or of any government department; or

(b) a pleasure craft; or

(c) a fishing vessel principally engaged in fishing.

(2) For the purposes of this Order “ controlled area ” means—

(a) the sea area to the level of mean high-water springs (comprising mainly Loch Broom, Little Loch Broom and Gruinard Bay), lying south-east of an imaginary straight line drawn from the jetty at Reiff Bay (latitude 58° 04' 14" N, longitude 5° 27' 15" W) to Greenstone Point (latitude 57° 55' 34" N, longitude 5° 37' 06" W);

(b) (subject to the provisions of section 3 (3) (c) below) any other area within 10 miles of any port for the time being specified, pursuant to section 4 (6) (a) of the Sea Fish (Conservation) Act 1967 as a port at which catches may be trans-shipped, being an area within the territorial waters of the United Kingdom adjacent to the district of Ross and Cromarty; 1967 c. 84.

but does not include any part of the Port as defined in section 3 of the Cromarty Firth Port Authority Order 1973. 1973 c. xvi.

3.—(1) The Council may make byelaws for the control or prevention of pollution and other nuisance arising from activities carried on in relation to vessels in the controlled area. Power to make byelaws.

(2) Without prejudice to the generality of subsection (1) above, byelaws made under this section may—

(a) relate to particular parts of the controlled area, to particular vessels or types of vessel and to particular periods of time;

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(b) empower the Council to confer exemptions from any of the byelaws on being satisfied as to arrangements made in relation to a particular vessel or type of activity.

(3) Byelaws under this section shall not be made so as to apply—

1964 c. 40.

(a) to any area for the time being within the jurisdiction of a harbour authority (as defined in section 57 of the Harbours Act 1964) unless the Council are satisfied that it is necessary to do so for the control or prevention of pollution or other nuisance;

(b) to any vessel passing through the controlled area but not stopping in the area other than for purposes incidental to ordinary navigation or as rendered necessary by force majeure or distress or for the purposes of rendering assistance to persons, ships or aircraft in danger or distress;

(c) in respect of any area referred to in section 2 (2) (b) above, to the master of, or any person on board, a vessel unless the Council shall at least 24 hours beforehand have served on the master thereof a notice as nearly as may be in the form set out in Schedule 1 to this Order, together with a copy of this Order and of any such byelaws then in force.

1973 c. 65.

(4) Byelaws made under this section shall not have effect until confirmed by the Secretary of State, and the provisions of sections 202, 203 and 204 of the Local Government (Scotland) Act 1973 shall have effect in relation to such byelaws as if they were byelaws made under section 201 of that Act:

Provided that the maximum penalty which may be imposed under the said section 203 in relation to such byelaws shall be a fine of £500 and, in the case of a continuing offence, a further fine of £50 for each day during which the offence continues after conviction thereof.

Interim  
byelaws.

4. Until such time as byelaws made under section 3 of this Order come into operation the byelaws contained in Schedule 2 to this Order shall have effect.

Saving for  
public Acts.  
1974 c. 40.

5.—(1) Nothing in this Order shall affect the operation of the Control of Pollution Act 1974, and section 108 (3) (power of Secretary of State to repeal or amend local Acts and instruments) of that Act shall have effect as if this Order had been passed before that Act.

1975 c. 8.

(2) Nothing in this Order shall affect the operation of the Offshore Petroleum Development (Scotland) Act 1975.

Jurisdiction.

6. For all purposes of or in connection with this Order, the controlled area shall be deemed to be within the district of Ross and Cromarty.

## SCHEDULES

### SCHEDULE 1

Section 3.

#### FORM OF NOTICE

Notice is hereby given that the port of.....  
having been specified by licence granted under section 4 of the Sea Fish (Conservation) Act 1967 as a port at which catches may be trans-shipped, the area within the territorial waters of the United Kingdom within 10 miles of that port is a controlled area for the purposes of the Ross and Cromarty (Coastal Waters Pollution) Order 1979, a copy of which Order, and of the byelaws presently in force pursuant thereto, accompanies this notice.

### SCHEDULE 2

Section 4.

#### ROSS AND CROMARTY (CONTROLLED WATERS POLLUTION) BYELAWS 1979

##### 1. *Citation and application*

These byelaws may be cited as the Ross and Cromarty (Controlled Waters Pollution) Byelaws 1979, and shall apply to and in respect of vessels within the controlled area.

##### 2. *Interpretation*

In these byelaws—

“controlled area” and “vessel” have the meanings given to those expressions in section 2 of the Ross and Cromarty (Coastal Waters Pollution) Order 1979;

“the Council” means the Ross and Cromarty District Council;

“dB(A)” means the measure of sound pressure level in decibels indicated by measuring equipment using A-scale frequency weighting (A-weighting) as described in the British Standard Specification for a precision sound-level meter which was published on 14th September 1967 under the number B.S. 4197: 1967;

“master”, in relation to a vessel, means any person for the time being having or taking the command, charge or management thereof;

“untreated waste” means waste which has not been subjected to a treatment process approved by the Council;

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“ waste ” includes—

- (a) sewage;
- (b) scrap material, effluent or other unwanted substance arising from the application of any process within a vessel; and
- (c) refuse matter whether organic or inorganic arising from the normal operations of any vessel.

3. *Untreated waste*

(1) The master of a vessel shall be responsible for making arrangements to ensure that untreated waste is kept on board his vessel unless other arrangements approved by the Council have been implemented for the collection or disposal, or collection and disposal, of the waste.

(2) No person shall, except with the prior approval of the Council, discharge or allow to be discharged from a vessel into the waters of the controlled area any untreated waste.

4. *Noise, smell, lights, etc.*

(1) The master of a vessel shall take all reasonably practicable steps—

- (a) to ensure, whether by sound-proofing or otherwise, that noise emanating from equipment or machinery on board his vessel does not cause a nuisance to the occupiers of premises on shore;
- (b) where operations carried out on or from his vessel are such as to generate offensive odours, effluvia, vapours or gases, to prevent them from causing a nuisance to such occupiers;
- (c) to ensure, whether by shielding or otherwise, that light emanating from the vessel (other than necessary navigational lights) does not cause a nuisance to such occupiers; and
- (d) to ensure that the operation of any machinery or apparatus on board his vessel does not interfere with radio or television reception so as to cause nuisance to such occupiers.

(2) If—

- (a) a noise level in excess of 10 dB(A) over the pre-existing background noise level on shore has been recorded and is or was due to the use of equipment or machinery on board a vessel and has given rise to complaints from the occupiers of premises on shore; or
- (b) the escape of offensive odours, effluvia, vapours or gases from a vessel has given rise to a nuisance to such occupiers; or
- (c) light emanating from the vessel has given rise to a nuisance to such occupiers; or

- (d) the operation of any machinery or apparatus on board a vessel has substantially interfered with radio or television reception on shore and has given rise to complaints from such occupiers;

the Council may serve upon the master of the vessel a notice in writing requiring him to move the vessel to another position or to take such other steps as may be specified in the notice so as to avoid such excess noise, odours, effluvia, vapours, gases, light or interference, and the master shall forthwith comply with such notice.

(3) Where the master of any vessel proposes to carry out any process in connection with the production of fish meal on board a vessel he shall, forthwith on entering the controlled area, notify the Council of such proposal, and, before commencing any such process shall comply with any notice issued by the Council to him as to the area within which the vessel may lie while such process is taking place and as to measures to be taken to minimise nuisance by reason of odour or disposal of unwanted surplus substance.

#### 5. *Access by Council officers*

The master of a vessel shall, when so required by an officer or agent of the Council duly authorised in writing for the purpose, afford him access to the vessel and provide all reasonable facilities to enable him to ensure compliance with these byelaws.

#### 6. *Penalties*

Any person who contravenes or fails to comply with a provision, other than a provision contained in paragraph 3 (1) or 4 (1), of these byelaws shall be guilty of an offence and liable on conviction in a court of summary jurisdiction to a fine not exceeding £500 and, in the case of a continuing offence, a further fine of £50 for each day during which the offence continues after conviction thereof.

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# Ross and Cromarty (Coastal Waters Pollution) Order Confirmation Act 1979

## CHAPTER viii

### ARRANGEMENT OF SECTIONS

#### Section

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2. Short title.

#### SCHEDULE

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