

Ardrossan Harbour

Bye-laws
2008

ARDROSSAN HARBOUR BYE-LAWS 2008

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For the purposes of this document, persons are referred to as "he" or "him". In the interests of good order, this should be taken to mean "he", "she", "him" or "her"

ARDROSSAN HARBOUR BYE-LAWS 2008

The Ardrossan Harbour Company make the following bye-laws in exercise of the powers conferred on it by section 83 of the Harbours, Docks and Piers Clauses Act 1847 and section 55 of the Ardrossan Harbour Order Confirmation Act 1909 and all other powers enabling it to do so:-

PART 1 – PRELIMINARY

1 Title, Commencement and Application

- (1) These bye-laws may be cited as the Ardrossan Harbour Bye-Laws 2008 and come into force on [21 | 8 | 08].
- (2) These bye-laws shall apply within the Harbour.

2 Interpretation

In these byelaws the following words and expressions have the following meanings (except where the subject or context requires otherwise).

'Collision Regulations'	means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996;
'Company'	means Ardrossan Harbour Company Limited, a private limited company registered in Scotland, with registered number SC045455 and having its registered office at 16 Robertson Street, Glasgow, G2 8DS;
'fairway'	means any navigable channel, marked, dredged or maintained by the Company;
'Harbour'	means the Harbour of Ardrossan described by Section 22 of the Ardrossan Harbour Consolidation Act 1864;
'Harbour Control Operator'	means the person appointed by the Company to provide the port information service to port users and is also the person who operates the Harbour control tower signal lights;
'Harbour control tower'	means the elevated structure situated at the east end of Montgomerie Pier or any other place so designated by the Company from time to time where the Harbour control signal lights are exhibited and controlled and a V.H.F. watch is kept when ferries are entering or leaving the Harbour;
'Harbour Master'	means a person appointed as such by the Company and includes that person's deputies and assistants and any other person for the time being authorised by the Company to act, in the capacity of Harbour Master;
'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 Company as part of the Harbour;

'master'	when used in relation to any vessel, means the person having the command or charge or management of a vessel for the time being;
'Marina'	means the pleasure craft moorings and quays contained within the former Eglinton Dock and such other places as the Company may nominate for future developments;
'quay'	means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;
'small vessel'	means any vessel less than 20 metres in length or a sailing vessel and for the purposes of this definition 'sailing vessel' means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;
'vehicle'	includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;
'vessel'	means every description of vessel, however propelled or moved, and includes anything constructed or used to carry persons or goods by water, a seaplane in or on the water, a hovercraft, a hydrofoil and any amphibious vehicle;
'jet-ski'	means any personal water craft (not normally used in navigation and not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a water jet system or other mechanical means of propulsion;
'water-skiing'	travelling on water-skis by means of being towed by a vessel;
'wind surfing'	means travelling on a raft with a sail or sails designed to be operated by a person or persons standing upright thereon.

All areas, dimensions, directions, distances, lengths, points, situations and other measurements stated in this bye-law shall be construed as if the words 'or thereabouts' were inserted after each area, dimension, direction, distance, length, point, situation or other measurement.

PART 2 – NAVIGATION

3 Vessel to navigate with care

The master shall navigate his 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 and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings or other property.

4 Adequate equipment

The master of a vessel whilst in the Harbour shall keep on board such vessel an ample supply of substantial hawsers, tow lines, and other like gear for moving and mooring the vessel, and every vessel shall be kept in such condition as to be capable of being safely moved when necessary.

5 Sufficiency of crew

Except with the permission of the Harbour Master, the master of a vessel which normally trades to sea shall at all times when his vessel is in the Harbour ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:-

- (a) to attend to his vessel's mooring;
- (b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of his vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

6 Dredging, diving etc

The master of a vessel shall, when passing another vessel employed in dredging, diving or underwater works, or working at a buoy or mooring, so reduce the speed of her engine so as to ensure that no damage is caused to any person or property so employed or working.

7 Power navigation in a tidal stream

The master of a power driven vessel navigating against a tidal stream shall, when necessary, slacken speed or stop his vessel so as to allow any vessel navigating with the stream to pass clear of his vessel.

8 Obstruction of fairway

- 8.1 The master of a vessel whether under power or sail, which is not confined to a fairway, shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway, and shall give such vessels as wide a berth as safe navigation requires.
- 8.2 A master shall not permit his vessel to enter or cross a fairway except when the fairway in the vicinity of the vessel is clear, nor will a vessel enter or cross the fairway in a manner which may impede or endanger other vessels navigating in the fairway.
- 8.3 The master of a vessel crossing, turning or manoeuvring in a fairway shall so navigate it as not to hamper, impede or cause damage to any other vessel.

9 Loading and ballasting

The master of a vessel shall, at all times, keep that vessel loaded or ballasted so as to enable safe navigation and mooring and the master shall regulate such loading or ballasting in accordance with any safety directions in that behalf which may be given by the Harbour Master.

10 Notification of collisions etc.

The master of a vessel which:-

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the Harbour; or
- (b) by reason of accident, fire 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

shall report the occurrence to the Harbour Master (and as soon as practicable thereafter provide the Harbour Master with full details in writing) and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission of, and in accordance with direction from, the Harbour Master.

11 Re-floating or removal

The master of any vessel which sinks or runs aground in the Harbour shall be responsible for the re-floating or removal of that vessel and if re-floating or removal is not carried out within a reasonable timescale stipulated by the Company, the Harbour Master shall have the vessel re-floated and removed to a place of safety and the master of that vessel will be liable for any costs incurred by the Company in doing so.

12 Notification of damage or pollution

If the master of a vessel causes damage to another vessel, receives damage to his vessel, or causes pollution while in the Harbour he shall report the damage to the Harbour Master or Harbour Control Operator as soon as reasonably practicable.

13 Directions for vessels

The master of a vessel shall take direction from the Harbour Control Operator when entering or leaving the Harbour.

14 Speed Limit

Except in an emergency, the master of a vessel navigating within the Harbour shall not, subject to the requirements of maintaining adequate steerage way and control, proceed at a speed in excess of 5 knots through the water.

15 Lost anchors, cables or propellers

15.1 The master of a vessel which has slipped, parted from or lost, any anchor, chain, cable or propeller, shall give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbour Master so directs, shall cause it to be recovered as soon as practicable.

15.2 The master of a vessel slipping or parting from an anchor, chain, cable or propeller shall leave a buoy to mark the position thereof.

16 Defect Condition or state of affairs

- 16.1 The master of a vessel which has a defect which is likely to affect materially the safe navigation of the vessel shall not enter the Harbour without the written permission of the Harbour Master.
- 16.2 The master of a vessel that develops a defect which is likely to affect materially the safe navigation of the vessel while in the Harbour shall immediately give notice of that defect to the Harbour Master.
- 16.3 The master of any vessel which has such a defect as is described in Byelaws 16.1 and 16.2 shall take all reasonable safety precautions as may be prescribed by the Harbour Master and shall not navigate in the Harbour except with the permission of the Harbour Master and under such conditions as he may prescribe.

17 Freedom of access

The master of a vessel berthed alongside the quay or alongside any vessel already berthed within the Harbour shall, if required to do so, give free access across the deck of his vessel to persons and goods travelling to and from vessels berthed alongside his vessel.

18 Traffic control

The master of a vessel shall comply with the Ardrossan Harbour Traffic Control Signal Lights. (See Schedule)

19 Navigation using sails

The master of a sailing vessel shall not navigate within the confines of the Harbour, Marina or the approaches to the Harbour using sails alone.

20 Navigation under influence by drink or drugs prohibited

A person shall not navigate a vessel in the Harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

21 Prohibition of Jet-skis, water-skiing and wind-surfing

Jet-skiing, water-skiing and wind-surfing is not permitted within the Harbour or Harbour approaches.

PART 3 – MOORINGS

22 Secure moorings

A master of a vessel moored in the Harbour shall ensure that the vessel is securely moored to designated pawls or pontoons and that said moorings are carefully attended. During gales or strong winds, the master of every vessel in the Harbour shall deploy extra moorings as may be directed by the Harbour Master.

23 Ropes

The master of a vessel shall ensure that vessel is equipped with good and sufficient ropes or warps ready for use and capable of securing the vessel safely.

24 Provision of proper fenders

The master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel and, when berthing and leaving or lying at the quay or against other vessels, the Master shall cause the vessel to be fended off from that quay or those other vessels so as to prevent damage to the quay or those other vessels or any other property.

25 Security of moorings

The master of a vessel moving or being moved from its mooring in a tier of vessels shall ensure that the moorings of any other vessel disturbed in the process are made safe.

26 Private chains at moorings

A person shall not affix any private chain or chains to any mooring owned or controlled by the Company.

27 Use of engines while moored or berthed

27.1 The master of a vessel that is moored or berthed shall not set in motion its propeller or propellers for the purposes of an engine trial without first having obtained the permission of the Harbour Master or the Harbour Control Operator.

27.2 The master of a vessel engaged in an engine trial shall monitor and tend that vessel's moorings throughout the trial.

28 Access and egress from vessels

The master of a vessel (other than a small vessel) while berthed alongside a quay, shall provide and maintain a proper gangway for the access and egress of all persons having lawful business on the vessel and shall, during the hours of darkness, provide sufficient lighting to illuminate the whole length of the gangway. Such lights shall be rigged in such a way that they do not impair the night vision of other Harbour users.

PART 4 – HANDLING OF GOODS

29 Requirements as to handling and movement of goods in the Harbour

29.1 The owner of any goods shall comply with such directions as the Harbour Master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Harbour premises.

29.2 For the purposes of this byelaw 'owner' when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods.

30 Obstruction or interference with access to the Harbour

A person shall not, except with the permission of the Harbour Master, deposit goods, materials or any other item, or park any vehicle, so as to obstruct or interfere with access to any road, building, mooring, plant, machinery or apparatus on the Harbour premises.

31 Deposit of refuse

Except with the written consent of the Harbour Master, a person shall not deposit refuse on the Harbour premises except in suitable receptacles approved by the Harbour Master.

32 Discharge into the Harbour

32.1 A person shall not throw, discharge, or put or permit the discharge or escape of any waste, rubbish or any material or thing, whether liquid or solid, into the waters of the Harbour from or at the quays or from any part of the shores of the Harbour or from any vessel lying within the Harbour.

32.2 The Master of a vessel shall take all reasonable precautions to prevent articles or things falling from his vessel into the waters of the Harbour or onto the Harbour premises.

32.3 This byelaw does not apply to the use of sanitary appliances upon a small vessel having accommodation for 12 persons or less.

33 Precaution against goods, cargo falling into Harbour waters or onto Harbour premises

The master of a vessel and a person undertaking the loading cargo into, or discharging of cargo from, a vessel shall use or cause to be used such methods as the Harbour Master may direct for the prevention of any cargo, dunnage, ballast, or other materials from falling or escaping into the waters of the Harbour or onto the Harbour premises.

PART 5 – VEHICLES

34 Supervision of vehicles

A person having charge of a vehicle in the Harbour shall at all times comply with any direction of the Harbour Master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Harbour Master:-

- (a) leave the vehicle unattended anywhere within the Harbour premises; or
- (b) take it into the shed or working area

If it is causing an obstruction the Harbour Master may remove any such vehicle or cause it to be removed to some convenient place.

- 35 Loads not to leak, spill or drop**
A person having charge of a vehicle in the Harbour premises shall not permit any substance to leak, spill or drop from the vehicle.
- 36 Loads to be secure**
A person having charge of a vehicle in the Harbour premises shall ensure that any load thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.
- 37 Driving restrictions**
A person shall not drive a vehicle on or over any road, bridge, quay or other place in contravention of any notice that may be posted up in a conspicuous place at the entrance or approach to such place specifying or limiting the class, size or weight of the vehicle allowed to enter or pass over that place.
- 38 Accidents to be reported**
A person driving or otherwise operating a vehicle involved in an accident in the Harbour premises whereby any injury is caused to any person or any damage is caused to any property, whether moveable or not, shall stop the vehicle and report the accident to the Harbour Master as soon as practicable and shall give his name and address to the Harbour Master.
- 39 Drivers to comply with traffic directions**
A person when driving or propelling a vehicle shall not disobey the directions of the Harbour Master engaged in regulating traffic within the Harbour premises.
- 40 Denial of vehicular access**
The Company may deny access to any vehicle seeking admission to or while on the Harbour premises.

PART 6 – FIRE PRECAUTIONS

- 41 Precautions on vessels against fire, etc.**
The master of a vessel in the Harbour shall take all precautions for the prevention of accident by fire, and shall not permit flammable materials or liquid to be loaded into or discharged from the vessel unless all reasonable measures have been taken to obviate risk of such accident.
- 42 Fire precautions**
A person working or employed in any part of the Harbour premises shall take all precautions for the prevention of accident by fire.

43 Flammable materials

Flammable materials or liquids shall not be transferred between vehicles, moved from vehicle to quayside, or moved about the Harbour premises by any means unless all reasonable measures have been taken to prevent the risk of fire.

44 Fire appliances etc.

44.1 A person shall not, save for the purpose of testing or carrying out maintenance work, or of extinguishing fire remove or interfere with the contents of any fire appliance or fire apparatus within the Harbour.

44.2 A person shall not place any vehicle, machine, goods, or other thing whatsoever, in such a position as to obstruct access by the fire authority or use of any fire appliance or apparatus.

45 Welding or cutting plant

Except with the written consent of the Harbour Master and subject to such conditions as he may prescribe, a person shall not:-

- (a) use any electric welding plant or oxyacetylene cutting or welding plant within the Harbour premises or on a vessel within the Harbour, or cause such plant to be used at or within 30 metres of any such vessel; or
- (b) cause or permit a vehicle carrying such plant to enter any shed, warehouse or similar building within the Harbour premises.

PART 7 – DANGEROUS GOODS

46 Dangerous goods in Harbour

No dangerous goods, as defined in the Dangerous Substances in Harbour Areas Regulations 1987 shall be brought to the Harbour without the written permission of the Harbour Master. All such dangerous goods shall be properly classified, marked and stowed as required by the aforementioned regulations.

PART 8 – MISCELLANEOUS

47 Trespass

No person shall enter or remain on the Harbour premises or any part thereof unless he has lawful business thereon or has received permission from the Harbour Master so to do.

48 Assistance to Harbour Master

The master of a vessel shall, whenever so required by the Harbour Master, afford him access to any part of the vessel and provide all reasonable facilities for its inspection and examination in order to ascertain whether these bye-laws are being observed, and shall provide the Harbour Master with all relevant information concerning the vessel.

49 Pilotage Exemption Certificates

The master of a vessel claiming exemption from pilotage shall, when requested, exhibit his pilotage exemption certificate to the Harbour Master.

50 Obstruction of employees of the Company

A person shall not intentionally obstruct any employee of the Company in the execution of his duties.

51 Unauthorised trading prohibited

A person shall not, without the permission in writing from the Harbour Master engage by way of trade, in buying or selling any goods or property on the Harbour premises other than perishable articles landed on the harbour and sold within 48 hours of them being landed.

52 Interference with goods or property

A person shall not without permission in writing from the Harbour Master climb or be upon any sheds, cranes, plant or property of the Company, or in any way interfere with any goods or merchandise lying within the Harbour premises.

53 Meetings

A person shall not, without the written consent of the Harbour Master:

- (a) take part in any meeting; or
- (b) gather together, preach, read aloud, lecture, sing or perform any musical instruments or deliver any address to any audience or gather together any persons or commit any nuisance whereby any work or business at the Harbour, or the control, management of or use of the Harbour is, or is likely to be, obstructed, impeded or hindered.

54 Defacing property

A person shall not, without permission of the Harbour Master, write upon, soil, cut, injure, deface, mark or otherwise interfere with any of the sheds, docks, quays, roadways or other property located in the Harbour and owned by the Company.

55 Affixing bills and notices

A person shall not affix bills or placards in, or on any part of, the Harbour premises except with the prior written consent of the Harbour Master.

56 Interference with Company notices

A person shall not deface, destroy or remove any notice displayed on the Harbour Premises by the Company.

57 Loitering on Harbour premises prohibited

A person shall not loiter within the Harbour premises and any persons ordered by a Police Officer or Company employee to leave the premises shall do so immediately.

58 Prostitution not to be allowed onboard vessels

58.1 A master or any member of the crew of any vessel in the Harbour shall not allow any person to go or remain on board any vessel for the purposes of prostitution

58.2 A person shall not loiter in the Harbour premises for the purposes of prostitution or solicit or importune any person in the Harbour premises for the purposes of prostitution.

59 Lifesaving equipment

A person shall not use lifesaving equipment provided by the Company for anything other than lifesaving.

60 Fishing

60.1 Any fishing in the Harbour must be conducted so as to ensure the safety of vessels and persons in the Harbour at all times.

60.2 Fishing will not be permitted in areas within the Harbour designated by the Company as no fishing areas. Any such area will be marked with a "No Fishing" notice.

61 Prohibition of swimming

A person shall not engage in recreational swimming in the Harbour.

62 Penalties

Any person who contravenes any of the foregoing bye-laws commits an offence and may be liable for each such offence to a penalty not exceeding level 3 on the standard scale.

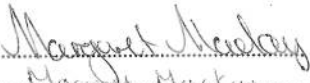
63 Revocation

The Port of Ardrossan Bye-Laws 1925, the Port of Ardrossan Petroleum (Consolidation) Act 1928 and associated Carbide of Calcium Bye-Law 1951 are hereby revoked.

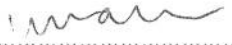
SUBSCRIBED for and on behalf of
ARDROSSAN HARBOUR COMPANY LIMITED

at Glasgow
on the 28 day
of April 2008
by


..... Director
Tom E. Allister Full Name


..... Director/ Company Secretary
Margaret Mackay Full Name
..... Address
.....

Confirmed by the Scottish ministers by virtue of Section 85 of the Harbours, Docks and Piers Clauses Act 1847.


.....
MARLENE WALKER
A member of the staff of the
Scottish Government, Victoria
Quay, Edinburgh

24 July 2008 (Date)

SCHEDULE

ARDROSSAN HARBOUR
TRAFFIC CONTROL SIGNAL LIGHTS

Mariners are reminded that the control of traffic at Ardrossan Harbour is by light signals in addition to the VHF Station.

Three lights are exhibited (on a 24 hr basis) in a vertical line 1 metre apart from the top of the Harbour Control Tower, and are visible from within the Harbour, the yachting marina and to seaward.

They will have the following meanings: -

Harbour and Marina closed to ALL traffic

RED
RED
RED

Marina Open (Harbour Closed)

GREEN Pleasure vessels may proceed to and from Marina.
GREEN Commercial vessels requiring permission of Harbour Control
GREEN are prohibited from entering, leaving or manoeuvring within
The Harbour.

Harbour Open (Marina Closed)

RED All pleasure vessels must clear the outer basin, canting area
RED and approach channel immediately.
GREEN Commercial vessels may manoeuvre and proceed inwards
Or outwards after confirmation of permission by VHF from
Harbour control.

Radio messages relating to Traffic Control are communicated with Ardrossan Harbour Control Tower on VHF channels 16, 14 & 12.

Ardrossan Harbour Control Tower will be manned from 30 minutes prior to the scheduled arrival of ferry services, up to the departure time of the ferry.


Outside of these times, Mariners should contact Clydeport Estuary Control as per Admiralty List of Radio Signals Vol. 6 (1).

The term 'commercial vessel' includes any large vessel, which, in the opinion of the Harbour Master, or any person designated by him, requires a clear passage inwards or outwards.

All vessels are reminded of their obligations under the Collisions Regulations particularly those concerning sound signals.


..... Director


..... Director/ Company Secretary

 SCOTTISH GOVERNMENT