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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 202**

**Scottish Natural Heritage (Rum)  
Harbour Empowerment Order 1999**

**PART III**

**HARBOUR REGULATION**

**General byelaws**

**18.**—(1) Scottish Natural Heritage may from time to time make byelaws for the efficient management and regulation of the harbour area and of the undertaking.

(2) Without prejudice to the generality of paragraph (1) above, 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, staithes, warehouses, sheds, landing places, locks, sluices, equipment, works and conveniences (including moorings) in the harbour;
- (b) regulating the admission to, and the movement within, and the departure of vessels from, the harbour, or the removal of vessels, and for the good order and government of vessels whilst within the harbour;
- (c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within the harbour;
- (d) regulating the navigation, berthing and mooring of vessels within the harbour area and their speed and the use of tugs within the harbour;
- (e) preventing damage or injury to any vessels, goods, vehicle, plant machinery, property or persons within the harbour;
- (f) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown or officers of the Scottish Ministers including the holder of any office in the Scottish Administration or any member of staff of the Scottish Administration as defined in the Scotland Act 1998<sup>(1)</sup> whilst in the execution of their duties;
- (g) regulating the placing and maintenance of moorings within the harbour;
- (h) preventing and removing obstructions or impediments within the harbour;
- (i) prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) in or into the harbour;
- (j) regulating the use of ferries within the harbour;
- (k) regulating in the harbour the use of yachts, sailing boats, sailboards, rowing boats, rowing punts, pleasure craft and other small craft;
- (l) regulating the holding of regattas and other public events in the harbour;

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<sup>(1)</sup> 1998 c. 46.

- (m) regulating or prohibiting the activities in the 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 paragraph (k) above;
  - (n) regulating the launching of vessels within the harbour area;
  - (o) prohibiting persons working or employed in or entering the harbour, or any part thereof, from smoking therein;
  - (p) regulating the use of fires and lights within the harbour, and within any vessel within the harbour;
  - (q) regulating the movement, speed and parking of vehicles within the harbour;
  - (r) regulating the exercise of the powers vested in the harbourmaster;
  - (s) making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subjects to the approval (with or without conditions), control or direction of the harbourmaster, and for authorising him to take such action as may be reasonably required in default of compliance with any such condition, control or direction;
  - (t) conserving and enhancing—
    - (i) the flora and fauna;
    - (ii) the geological and physiographical features; and
    - (iii) the natural beauty and amenity,of the harbour.
- (3) Byelaws made under this section may—
- (a) provide for imposing upon persons offending against them, or against any condition, requirement or direction imposed, made or given thereunder, fines not exceeding level 3 on the standard scale;
  - (b) relate to the whole of the harbour or to any part thereof;
  - (c) make different provisions for different parts of the harbour or in relation to different classes of vessels.