

CROMARTY HARBOUR TRUST
RULES FOR THE OPERATION AND USE OF THE HARBOUR
(Valid from 1 February 2019)

1. Introduction

These Rules for the operation and use of the harbour (hereafter referred to as the Rules), adopted by the Cromarty Harbour Trust (the Trust), are intended to govern the activities of harbour users and visitors so as to ensure that the harbour operates efficiently and safely. The Rules may be updated from time to time by the Trust.

The Interpretation Act 1978 shall apply to these Rules

2. Queries and Complaints

Any queries regarding the Rules should be directed, initially, to the harbour master. Any unresolved queries or any complaints about the Rules or their application or enforcement should be submitted in writing or by email to the Clerk to Cromarty Harbour Trust whose contact details are available on the harbour notice board and the Trust's website at cromartyharbour.org.

3. Definitions

In these Rules:-

(a) "Trust" means the Cromarty Harbour Trust and its appointed representatives.

(b) "Harbour" means Cromarty Harbour including the piers, quays, pontoon, slipways and berths but excluding any area which is publicly adopted highway maintained by The Highland Council together with the surrounding sea below High Water within a distance of 200 metres radius from the most northerly point of the Admiralty pier (this part hereafter referred to as the area of jurisdiction).

(c) "Harbour Basin" means that part of the harbour between the North and South piers and the Admiralty pier.

(d) "Mooring" is an installation by means of which a vessel is made secure while afloat in the area of jurisdiction.

(e) "Harbour Master" means the Harbour Master for the harbour (or their designee) appointed by the Trust.

(f) "Berth" means the space for a vessel in the harbour basin allocated by the Trust for either the Summer or Winter season at a prescribed charging rate.

(g) "The person having charge of a vessel" means the owner or master or skipper or other person responsible, for the time being, for the operation and conduct of the vessel and crew.

(h) "vessel" means any boat, ship, or marine craft but excludes tenders for gaining access to/from vessels anchored or moored out with the harbour basin.

4. The Harbour Master

4.1 The harbour master shall be an authorised officer of the Trust for the purposes of Section 116 of the Civic Government (Scotland) Act 1982.

- 4.2 The harbour master oversees the day to day operations/activities in the harbour according to these Rules. Harbour users and visitors must respect the harbour master's decisions and/or instructions and act on these as required.
- 4.3 The harbour master shall keep a register of all contraventions of these rules and report them monthly to the Trust.

5 Applications for Berths including Insurance and other Requirements

- 5.1 The Trust offers seasonal berths (Winter & Summer). Winter is the period from 1 October to 31 March and Summer is the period from 1 April to 30 September. Berths may also be offered on an Annual or Ad hoc basis at the discretion of the Trust.
- 5.2 The Trust shall maintain a register of berths and a Waiting List for berths.
- 5.3 Existing berth holders should indicate their intention to take up their previous berthing position 30 days prior to the commencement of the season as indicated in 5.1. If the existing holder has changed their vessel from that previously registered with the Trust, they should in the first instance discuss the matter with the harbour master to see if the existing berthing position can still be accommodated. The Trust does not guarantee any accommodation in the event of the Applicant changing vessels whether at the beginning or during a season.
- 5.4 The person having charge of any vessel wishing to use a berth shall apply or, if an existing berth holder, indicate to the Trust for such berth and once granted shall not move to any other berth without the agreement of the harbour master.
- 5.5 Tenders can only be kept in the harbour throughout the season if a berth specifically for the tender has been applied for, allocated and paid for.
- 5.6 Any vessel berthed in the harbour must have, as a minimum, third party insurance of £1,000,000 in respect of the vessel. In addition, the insurance must cover the cost of recovery of the vessel in the event of it sinking.
- 5.7 No berth will be offered unless a copy of the current insurance certificate is exhibited along with the application or renewal for a berth.
- 5.8 If the current insurance cover expires during the berthing season, it is the responsibility of the person in charge of the vessel to ensure that the certificate of renewal is exhibited to the Trust.
- 5.9 In the case of vessels carrying passengers commercially and fishing vessels, the applicant must, in addition to the relevant insurances, exhibit the relevant licences and regulatory authorisations along with the application for a berth.

6. Payment of Accounts

- 6.1 The Trust charges berthing fees for the use of all allocated berths in the harbour and may charge any harbour user for the use of any facilities or services made available by the Trust. A schedule of the Trust's current charges together with its terms and conditions for payment is displayed on the harbour notice board and on the Trust's website. Harbour users will be invoiced for the appropriate amount based on the berthing position and size of their vessel. Payment should be made no later than the due date as shown on the invoice or on taking up the berth position, if earlier.

- 6.2 Non payment of the berthing fee for a vessel by the due date will result in the person in charge of that vessel being billed an additional late payment fee of 10% applied to their invoice as per 6.1.
- 6.3 In the event of any outstanding berthing fees (including late penalty fee) not having been paid within 60 days of their due date, the Trust shall serve a formal notice upon the person in charge of the vessel to that person's last known permanent address or email address cancelling the vessel's berth.
- 6.4 If for whatever reason and at any time, the vessel is found to be in berth in the harbour without the Trust's formal approval, it will be removed from the harbour within 21 days of the date of posting of the notice and in the event of non compliance the Trust may dispose of the vessel as it sees fit, applying the proceeds towards outstanding charges (including a further additional penalty fee of 15% of the original invoice as per 6.1) and costs of disposal of the vessel, without prejudice to the right to recover any outstanding charges against the person in charge of the vessel for all costs, dues and charges incurred up to the date of disposal and/or storage of the vessel.
- 6.4 All invoices must be paid in accordance with the Trust's terms and conditions. An administration charge of 20% of the total amount owing to the Trust by the person in charge of the vessel will be payable by any such person whose outstanding debt is referred to the Trust's debt collection agency.

7. Safety

- 7.1 All activities in the harbour, including aboard vessels, must be conducted in accordance with relevant Health & Safety requirements.
- 7.2 All persons using or visiting any part of the harbour for whatever purpose do so at their own risk.
- 7.3 Fishing, paddling, swimming and skin diving are not permitted in the harbour entrance and are only permitted in the harbour basin with the prior agreement of the harbour master.
- 7.4 All vessels using the harbour must be seaworthy in accordance with MCA or RYA best practice guidance.
- 7.5 The person in charge of a vessel must supply contact names for that vessel (name, address, email, mobile phone, home phone) including the owner and two other reliable people close by so that, in the event of extreme weather or other emergency, the harbour master can contact them regarding any actions which might be urgently required.
- 7.6 All vessels must be equipped with fire fighting and safety equipment in accordance with UK Merchant Shipping regulations or, in the case of small vessels, MCA or RYA best practice guidance.
- 7.7 Petrol and inflammable substances shall not be stored in a vessel except in a receptacle specifically constructed for such purposes and securely stowed in a properly ventilated location. Smoking and naked lights are strictly forbidden in the refuelling area. Engines must be switched off when refuelling.
- 7.8 Explosives, other than safety flares, are prohibited in the harbour.
- 7.9 A speed limit of three knots applies to all vessels and tenders under power in the harbour basin and in the vicinity of the harbour entrance and no vessel shall be navigated anywhere in the harbour at such a speed or in such a manner as to endanger or inconvenience other vessels. The Seaman's "Rules of the Road" shall apply.

7.10 A person shall not navigate any vessel in the harbour whilst unfit to do so through having taken drink or drugs or for any other reason. For the purpose of this rule a person shall be taken to be unfit to navigate if his ability to navigate is for the time being impaired.

7.11 Only authorised vehicles shall be allowed on the harbour

8. Environment and Waste

8.1 The harbour is subject to the Control of Pollution ACT 1974, the Dumping at Sea Act 1974, and the Preservation of Oil Act 1971. Users of the harbour will be accountable for any breach of these Acts caused by their activities.

8.2 All activities in the harbour, including aboard vessels, shall be conducted so as to avoid, as much as is reasonably practical, damage to the environment. The Trust supports The Green Blue environment awareness programme promoted by the RYA and British Marine and expects all harbour users to act in accordance with its guidance.

8.3 Normal maintenance work on vessels in the harbour is permitted. Major repairs may be permitted at the discretion of the harbour master subject to prior application & written approval of the method of working.

8.4 Decommissioning of vessels in the harbour by any means is prohibited.

8.5 Noisy harbour activities, including work on vessels in the harbour, that risk causing a nuisance to surrounding properties, must be carried out only between the hours of 0800 and 1900 unless with the prior written approval of the harbour master.

8.6 No vessel may be repaired on the pier, pontoon or quays of the harbour unless with the prior written approval of the harbour master.

8.7 No vessel may be permanently laid up, stored or otherwise kept on the piers, pontoon and quays of the harbour, without the prior written approval of the harbour master.

8.8 No equipment or goods awaiting loading or awaiting removal after unloading from any vessel shall be left lying on the piers, pontoon and quays so as to block access or cause danger to property or persons and must be removed immediately if so directed by the harbour master.

8.9 No person may deposit any dirt, sewage, litter, stones, shells, ashes, chaff, food, filth, carrion, fish, offal, oil, rubbish or refuse of any kind on or in the harbour.

8.10 No apparatus concerned with the catching or keeping of marine creatures shall be installed in the harbour.

8.11 All bait shall be kept in sealed containers on board vessels.

8.12 Vessels must not be berthed for permanent residential purposes

9. General Conduct Rules

9.1 Visiting vessels must contact the harbour master on or before arrival in the harbour to obtain berthing instructions. The Trust will use its best endeavours to ensure that a visitors' berth is normally available on the pontoon.

9.2 The Trust and, in the case of any visiting vessel, the harbour master, shall have the right to refuse any berth if they have reasonable grounds for believing that to allow otherwise would be to the detriment of the harbour and other users.

9.3 Vessels shall be berthed according to the harbour master's directions and must not obstruct other berths. The vessel shall be secured using its own

fenders & warps. At all times, it is the responsibility of the person in charge of the vessel to ensure the adequacy of its securing arrangements.

- 9.4 Tenders must not interfere with navigation in the harbour nor obstruct berths or access on the piers, pontoon and quays. Tenders for transferring to/from vessels on moorings can use the pontoon to load/unload providing they do not block allocated berths
- 9.5 The person in charge of a vessel shall, when so required by the harbour master, move their vessel from one berth to another, or slacken its moorings or remove it from the harbour or do otherwise as required by the harbour master.
- 9.6 The Trust reserves the right to move any vessel from one berth to another in the harbour.
- 9.7 The person in charge of a vessel will be responsible for the conduct of and fully accountable for any loss, injury or damage, or nuisance caused or committed by their crew, agents or guests while on board a vessel or in the harbour.
- 9.8 Anchoring in the harbour basin is prohibited except in an emergency and, in such event, the person in charge must notify the harbour master immediately and act promptly as instructed.
- 9.9 If at any time a vessel or its equipment fouls any moorings or infrastructure in the harbour the person in charge of the vessel shall immediately inform the harbour master and shall await his instructions before attempting to clear the same.
- 9.10 No unauthorised person shall cut, break or destroy any rope, cable or other thing by which any vessel is moored or secured in the harbour.

10. Salvage

- 10.1 The Trust shall not be under any duty to salvage or preserve any vessel or other property from the consequences of any defect in the vessel or property concerned. Similarly, the Trust shall not be under any duty to salvage or preserve any vessel or other property from the consequences of an accident which has not been caused by the Trust.
- 10.2 However the Trust reserves the right to do so in any appropriate circumstances, particularly where a risk is posed to the safety of people, property or the environment. Where it does so it shall be entitled to charge the vessel owner concerned for all costs incurred directly or indirectly and, where appropriate, to claim a salvage reward.

11. Additional rules for Anchoring or Mooring in the area of jurisdiction

- 11.1 The Rules in Sections 1 to 10 will also apply, generally, to vessels anchored or moored in the area of jurisdiction.
- 11.2 Anchoring or mooring in the vicinity of the harbour entrance is prohibited.
- 11.3 Elsewhere within the area of jurisdiction the Trust will determine where moorings can be located.
- 11.4 The Trust, may, at its discretion, authorise the installation of a mooring for a vessel but only upon receipt of an application by the person in charge of the vessel and upon payment of all relevant charges. In addition, the applicant must exhibit, as part of their application, confirmation that the vessel's insurers have approved the design and specification of the mooring.

- 11.5 Every mooring must be inspected annually and any parts that are damaged or worn must be repaired or renewed.
- 11.6 No apparatus concerned with the catching or keeping of marine creatures shall be installed in the area of jurisdiction.

12. Additional rules relating to harbour use by Cromarty Rowing Club

- 12.1 In line with other craft using the harbour, and in accordance with the Harbour Rules, skiff crews wishing to use the harbour and slipway for the launching of boats, picking up or dropping off crews or mooring will carry third party to allow for damage to other harbour users and property.
- 12.2 In such circumstances, the skiffs will, in the first instance, use the visitor berth if free but be prepared to vacate immediately should the berth be required by a visiting vessel or boat club boat. Alternative berths will be confirmed with the harbour master to ensure the harbour can accommodate the request.
- 12.3 The skiffs may only use the harbour if they have an experienced crew member or cox directing operations.
- 12.4 Generally, if conditions outside warrant it, then members may row through the harbour, but extreme care must be taken whilst entering or leaving the harbour, always rowing under the middle of the bridge, and in the middle of the mouth of the harbour.
- 12.5 The skiffs will not be left unattended during change-over of crews or while temporarily moored, nor will the skiffs will not be left moored overnight in the harbour.
- 12.6 Skiffs will not raft more than two-deep and when rafting alongside another craft the skiff will deploy fenders and lines to protect other boats from damage.
- 12.7 Skiffs will pay an annual charge as determined by the Trust for access to the pontoon, when a berth is available, for temporary handover and use of the slipway.
- 12.8 The club will respect all other applicable harbour rules and on an annual basis an officer will sign a declaration confirming compliance with the Harbour Rules and provide evidence of the required third party insurance.