

SHETLAND ISLANDS COUNCIL

SULLOM VOE HARBOUR

GENERAL BYELAWS 2002

Made under Section 44 of the
Zetland County Council Act 1974

Director of Marine Operations,
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The SHETLAND ISLANDS COUNCIL as Harbour Authority for the Sullom Area as defined in the Schedule hereto, in exercise of the powers conferred by section 44 of the Zetland County Council Act 1974 (hereinafter referred to as the ZCC Act 1974) and of all other powers enabling them in that behalf, hereby make the following byelaws.

PART I – PRELIMINARY

Title and commencement

1. These byelaws may be cited as the SHETLAND ISLANDS COUNCIL, SULLOM VOE HARBOUR, GENERAL BYELAWS 2001 and shall come into operation on the expiration of 1 month from the date of confirmation by the Scottish Ministers.

Application

2. These byelaws shall apply to all parts of the harbour, the limits of jurisdiction of which are set forth in the Schedule hereto and to the harbour premises as defined in byelaw 3 hereof.
3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

'The Authority' means the Shetland Islands Council as Harbour Authority in terms of section 6 of the ZCC Act 1974 (as amended);

'Class' means a vessel classification society that is a full member of the International Association of Classification Societies (IACS) or any other internationally recognised marine classification society;

'Collision Regulations' means regulations contained within the International Maritime Organisation "Convention on the International Regulations for Preventing Collisions at Sea, 1979", as amended;

'Goods' means all articles and merchandise of every description and includes fish, livestock and animals;

'Harbour' means the Sullom Area as defined in Schedule 1 to the ZCC Act 1974 and as described in the Schedule hereto, as illustrated in the Map annexed hereto and including all or any part thereof;

'The Harbour Master' means the person appointed by the Authority as such for the purposes of the ZCC Act 1974 and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity;

'The harbour premises' means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;

'Master' when used in relation to a vessel includes any person having the command, charge or management of the vessel for the time being;

'Owner' when used in relation to a vessel includes any part owner, or bareboat charterer and any mortgagee in possession of the vessel or any other person entitled for the time being to take possession of the vessel and has responsibility for operation of the ship. When used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

'Port Control' means The Vessel Traffic Control Centre situated within the Port Administration Building, Sella Ness and from where all traffic movements are co-ordinated.

'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 of less than 24 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;

'Tanker' means a ship designed to carry liquid petroleum or petroleum gases in bulk, including a combination carrier when being used for this purpose.

'Vehicle' includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes any other amphibious vehicle;

'Vessel' means a craft, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being partially submerged in water (whether permanently or temporarily) and any other amphibious vehicle.

Upper case letters can mean lower case and vice versa.

The provision of the Interpretation Act 1978 shall apply to these Byelaws as they apply to an Act of Parliament.

PART II – NAVIGATION

Vessel Movements

4. (1) (a) The Master of a vessel which normally trades to sea shall give prior notice to the Harbour Master of the vessel's arrival at, departure from or movements within, the harbour.

(b) The Master of a tanker shall give a minimum of 24 hours prior notice to the Harbour Master and provide the pre-arrival information as required by the Harbour Master in good time before arrival.
- (2) The Master of a vessel, which does not normally trade to sea, shall:
 - (a) on arrival at the harbour give immediate notice to the Harbour Master and
 - (b) on departure from the harbour or making any other movement of the vessel within the harbour, give prior notice to the Harbour Master.

Declaration of particulars of a vessel

5. (1) The Master of a vessel arriving at the harbour shall, if required by the Harbour Master, furnish to the Harbour Master a declaration in the form to be obtained from the Harbour Master containing a correct statement of the tonnage and draught of the vessel, its last port of call, ownership, destination and particulars of its cargo.

(2) The Master of a vessel arriving at the harbour shall, if required by the Harbour Master, make available any original and in force certification issued by the Flag State, Classification Society, P&I Club or any other insurer with an interest in the vessel.

Vessels to navigate with care

6. The Master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and so as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, or other property.

Sirens, Horns & Whistles

7. No person shall cause a vessel to sound any siren, horn or whistle in the harbour except either:
 - (1) as an aid to navigation, testing of same or
 - (2) with the permission of the Harbour Master.

Speed of vessels

8. Except with the permission of the Harbour Master and subject to byelaw 6 and the Collision Regulations, the Master of a vessel shall not cause or permit the vessel to proceed at a speed in excess of 5 knots at any point south of number 3 buoy. In addition, vessels approaching number 3 buoy must contact Sullom Voe Harbour Radio on VHF channel 14 to confirm what maximum speed is permissible with reference to any operations being carried out within the area of jetty 4 to jetty 1.

Small vessels not to obstruct fairway

9. The Master of a small 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 a clear passage and as wide a berth as safe navigation requires.

Vessels not to be made fast to navigation buoys or marks

10. The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

Notification of collisions, etc.

11. The Master of a vessel which:
 - (1) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a harbour area; or
 - (2) by reason of accident, fire, defect 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
 - (3) in any manner gives rise to an obstruction to a fairway;

shall forthwith report the occurrence to the Harbour Master (and as soon as practicable thereafter provide the Harbour Master with full details in writing). 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 safely, otherwise than with the permission and in accordance with the directions of the Harbour Master: provided that this byelaw shall not apply when both or all the vessels involved in a collision are engaged in racing under International Sailing Federation or Union International Motonautique rules for the time being in force.

Vessels adrift

12. The Master of a vessel which parts from its moorings shall as soon as possible report the same to the Harbour Master.

Safe passing distance

13. Vessels passing jetties 1 to 4 must stay a minimum of 50 metres from such jetties or from vessels moored alongside, unless prior permission has been obtained from the Harbour Master.

Laying down moorings, buoys or other tackle

14. (1) No person shall lay down any mooring, buoy or similar tackle without prior written consent of the Harbour Master and except in accordance with such conditions as the Harbour Master may impose.

(2) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the Harbour Master so directs: provided that this Byelaw shall not apply to any works which are constructed, placed, maintained, altered, renewed or extended in terms of a valid works licence granted by the Authority in terms of Section 11 of the ZCC Act 1974.

PART III – BERTHING AND MOORING

Provision of proper fenders

15. The Master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel when berthed at any jetty, other than jetties 1 to 4 inclusive and, when berthing and leaving or lying at a 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 that quay, those other vessels or other property.

Vessels to be properly berthed

16. The Master of a vessel shall at all times keep the vessel properly and effectively moored when berthed or lying at any quay and ensure all moorings and vessel's gangway are regularly inspected and adjusted as necessary.

Access to and egress from vessels.

17. The Master and the owner of a vessel while berthed at any jetty other than jetties 1 to 4 inclusive shall provide and maintain a sufficient and 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.

Sufficiency of crew

18. Except with the permission of the Harbour Master, the Master of a vessel which normally trades to sea (other than a small vessel) shall at all times when the vessel is within the harbour ensure that the vessel is capable of being safely moved and navigated and that there are sufficient crew members or other competent persons readily available:
 - (1) to attend to the vessel's moorings;
 - (2) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the vessel; and
 - (3) to deal, so far as is reasonably practicable, with any emergency that may arise.

Vessels to be kept in a movable condition

19. (1) The Master of a vessel which normally trades to sea shall not, except where the vessel is lying aground, take any steps to render the vessel incapable or movement without first notifying the Harbour Master and, subject as aforesaid, shall at all times keep the vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

- (2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the Master and owner shall inform the Harbour Master forthwith and give to him any further information which the Harbour Master may require.

Use of engines while vessel moored or berthed

20. The Master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of the vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

Vessels not to make fast to unauthorised objects

21. No person shall make a vessel fast to any post, quay, ring, fender, or any other thing or place not assigned for that purpose.

Access across decks

22. The Master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the Harbour Master, give free access across the deck of the vessel for persons and goods to and from vessels berthed alongside the vessel.

Lost anchor, cable or propeller

23. (1) The Master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith 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.
 - (2) The Master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

Moorings

24. (1) The Master of a tanker shall ensure that adequate, fit for purpose and sufficient mooring ropes/ wires, winches, bits, fairleads etc. are available to effectively moor the tanker in accordance with the requirements of the Harbour Master. All such equipment must meet with Class requirements and that contained within the current edition of "The International Safety Guide for Oil Tankers and Terminals" as published by the Oil Companies International Marine Forum.
 - (2) The Master of a tanker shall ensure that the vessel is moored to the requirements of the Harbour Master as detailed in the Ports Handbook published by the harbour authority or as detailed in the mooring audit provided to the Master by the inward Pilot.
 - (3) The Master or owner of any vessel shall ensure that the vessel is safely and securely moored and have the moorings adequately tended at all times when alongside any quay.

PART IV – GOODS AND ROAD TRAFFIC

Requirements as to handling and movement of goods in the harbour

25. (1) The owners of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within forty-eight hours unless the Harbour Master otherwise agrees.
- (2) The owners 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.
- (3) In this byelaw “Owner” when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading and unloading and clearance of those goods and includes any other person in charge of the goods.

Precaution against goods, etc., falling into harbour waters or the Authority’s premises

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

Obstruction or interference at harbour premises

27. No person shall:
- (1) except with the permission of the Harbour Master, deposit or place on any part of the harbour premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or
- (2) without lawful authority use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

Safe driving of a vehicle

28. No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

Speed limit for vehicles

29. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than fifteen miles per hour.

Supervision of vehicles

30. A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Harbour Master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Harbour Master:
- (1) leave the vehicle unattended anywhere within the harbour premises; or
 - (2) take it into any shed or working area.

Loads not to leak, spill or drop

31. The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle. This byelaw shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not have been reasonably prevented.

Loads to be secured

32. The owner, driver or other person having charge of a vehicle in the harbour premises shall ensure that any load carried 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.

Driving on weighbridges

33. No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

Accidents to be reported

34. Any 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, shall stop the vehicle and immediately report the accident to the Harbour Master and shall give his name and address to the Harbour Master.

PART V – GENERAL

Inspection facilities, etc., to be made available to Harbour Master

35. The Master of a vessel shall, so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Navigation under influence of alcohol or drugs prohibited

36. (1) A person shall not navigate or assist in the navigation of any vessel in the harbour whilst under the influence of alcohol or drugs.
- (2) Any person so suspected to be under the influence of alcohol or drugs must provide a specimen of breath and/ or blood if so requested by a police officer and/ or doctor.

Vessels not to be fumigated without permission

37. The Master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

Dumping in harbour waters prohibited

38. No person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever or place it in such a position that it can fall, blow or drift into the harbour.

Fishing

39. No person shall cast or place any drift, trawl, other net or static gear in such a position that it is likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No dragging or grappling without permission

40. No person shall drag or grapple for any material or article nor remove that same from the bed of any water area of the harbour without the written consent of the Harbour Master: provided that this byelaw shall not apply to areas approved by the Harbour Master for the purpose of mooring recreational craft.

Vessels to have names marked on them

41. The owner of a vessel which is not registered as a vessel under the Merchant Shipping Acts 1894 or 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise permitted by the Harbour Master.

Abandonment of vessels prohibited

42. (1) No person shall abandon a vessel on the banks, shore or on the seabed within the harbour area.
- (2) For the purposes of paragraph (1) of this byelaw, a person who abandons a vessel in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

Water ski-ing, aquaplaning, etc.

43. (1) No person shall engage in or take part in water ski-ing, aquaplaning or jet ski-ing except with the written permission of the Harbour Master given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.
- (2) A Master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier and shall carry:
- (a) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Vessel and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher:
- (b) for each person water ski-ing or aquaplaning, a rescue quoit with line or other efficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without the prior written consent of the Harbour Master given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Harbour Master.

Diving

44. (1) Recreational diving is prohibited everywhere in the harbour area unless the Harbour Master has given specific approval in writing to the person in charge of the proposed diving activity.
- (2) Commercial diving is permitted under the following circumstances:
- (a) The diving contractor has been pre-approved by the Harbour Master; and
- (b) The task has been the subject of a risk analysis and a method statement. Such documentation to be made available to the Harbour Master if so required by him; and

- (c) Port Control is kept fully informed by VHF radio of commencement/ completion of diving operations and movements of all craft associated with the diving operations; and
- (d) Associated craft display, by day, an "A" flag of not less than one metre by one metre and the appropriate lights by night.

43 Assistance to fire and other services

- 45. The Master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency service for dealing with, alleviating or preventing any emergency.

Fire precautions

- 46. The Master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

Obstruction of officers of the Authority

- 47. No person shall obstruct any officer or employee of the Authority in the execution of his duties.

Penalties

- 48. (1) Any person contravening any of these byelaws shall be liable on summary conviction to a penalty not exceeding level 1 on the standard scale for each offence and in the case of a continuing offence to a further penalty not exceeding the sum of fifty pounds for each day thereafter that the offence continues.
- (2) Whenever in these byelaws reference is made to the granting of permission subject to conditions, then the failure to comply with any such condition shall be deemed to be a breach of the byelaw by virtue of which the condition was imposed.
- (3) It shall be a defence to any person charged with an offence under these byelaws to prove that he acted with due diligence and had a reasonable excuse for contravention of these byelaws.

Health and safety at work

- 49. Nothing in these byelaws shall prejudice or affect the operation of the relevant Statutory provisions as defined in Part 1 of the Health and Safety at Work, etc., Act 1974.

Revocation

- 50. The Shetland Islands Council Sullom Voe Harbour General Byelaws made on 2nd September and confirmed on 11th December, both 1980, are hereby revoked
- 51. The foregoing Byelaws were made under the Common Seal of the Shetland Islands Council on the _____ day of _____ 2002

..... Proper Officer

Confirmed by the Scottish Ministers by Virtue of Section 202 of the Local Government (Scotland) Act 1973.

.....

Assistant Secretary
Scottish Executive
Edinburgh

.....Date

SCHEDULE OF HARBOUR AREA

The entire area of Yell Sound and Sullom Voe and adjacent inlets within a line commencing at Ell Wick thence in a northerly direction along the line of low water mark on the west side to a point in latitude $60^{\circ} 38' 18''$ north, longitude $01^{\circ} 18' 18''$ west on the line of low water mark at the northern extremity of the Point of Fethaland, thence in an easterly direction following a straight line to a point in latitude $60^{\circ} 38' 14''$ north, longitude $01^{\circ} 11' 08''$ west on the line of low water mark at the northern extremity of Fogla Lee on the Island of Yell, thence generally in a southerly and easterly direction along the line of low water mark on the east side to a point in latitude $60^{\circ} 29' 09''$ north, longitude $01^{\circ} 05' 48''$ west on the line of low water mark at the south-eastern extremity of the Ness of Copister, thence in a southerly direction to a point in latitude $60^{\circ} 28' 41''$ north, longitude $01^{\circ} 05' 58''$ west on the line of low water mark at the south-eastern extremity of the Island of Orfasay thence in a south-westerly direction following a straight line to a point in latitude $60^{\circ} 27' 44''$ north, longitude $01^{\circ} 08' 22''$ west on the line of low water mark at the southern extremity of Samphrey Island, thence in a westerly direction following a straight line to a point in latitude $60^{\circ} 27' 45''$ north, longitude $01^{\circ} 10' 49''$ west at the root of Mossbank Pier and thence generally in a northerly and southerly direction following the line of low water mark to the point of commencement. The positions above are referred to OSGB36 datum.