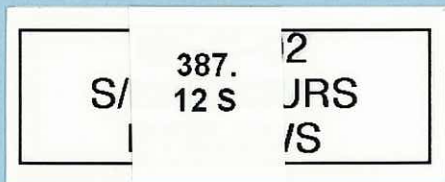


**SHETLAND ISLANDS COUNCIL**  
**(Small Harbours & Piers)**



**BYELAWS**  
**1987**

**Director of Marine Operations**  
**Shetland Islands Council,**  
**Port Administration Building,**  
**Sella Ness,**  
**Graven,**  
**Mossbank,**  
**Shetland,**  
**ZE2 9QR**

**SHETLAND ISLANDS COUNCIL**  
**(Small Harbours & Piers)**  
**Byelaws 1987**

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**SHETLAND ISLANDS COUNCIL**  
**(Small Harbours & Piers) Byelaws 1987**

The SHETLAND ISLANDS COUNCIL as Harbour Authority for the areas 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 on that behalf, hereby make the following byelaws.

## **PART I — PRELIMINARY**

### **Title and commencement**

1. These byelaws may be cited as the SHETLAND ISLANDS COUNCIL (SMALL HARBOURS & PIERS) Byelaws 1987 and shall come into operation on the expiration of 1 month from the date of confirmation thereof by the Secretary of State for Scotland.

### **Application**

2. These byelaws shall apply to all parts of the harbours the limits of jurisdiction of which are set forth in the Schedule hereto, and to the harbour premises as defined in byelaw 3 hereof.

### **Interpretation**

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 SIC as Harbour Authority in terms of section 6 of the ZCC Act 1974 (as amended);

*'Collision Regulations'* means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

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

*'Harbour'* means any of the areas as defined in the Schedule;

*'The Harbour Master'* means the person appointed as such pursuant to section 3(1) 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;

*'hovercraft'* means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

*'Master'* when used in relation to any vessel means 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 charterer and any mortgagee in possession of the vessel or the other person entitled for the time being to possession of the vessel

and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

*'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;

*'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 a ship, 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 a hovercraft or any other amphibious vehicle.

## **PART II — NAVIGATION**

### **Vessel Movements**

4. (1) 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.
- (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 vessel**

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

### **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. Vessels shall not sound any siren, horn or whistle in the harbour except either
  - (a) as an aid to navigation or
  - (b) 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 greater than five knots through the water.

### **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:
- (a) 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
  - (b) 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
  - (c) 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 in safety, 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 Yacht Racing Union 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.

### **PART III — BERTHING AND MOORING**

#### **Provision of proper fenders**

13. 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 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**

14. The master of a vessel shall at all times keep the vessel properly and effectively moored when berthed or lying at any quay.

#### **Access to and egress from vessels**

15. The master and the owner of a vessel (other than a small vessel) while berthed alongside a quay 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**

16. 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 or other competent persons readily available:

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

#### **Vessels to be kept in a movable condition**

17. (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 of 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**

18. 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**

19. 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**

20. 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**

21. (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.

## **PART IV — GOODS AND ROAD TRAFFIC**

### **Requirements as to handling and movement of goods in the harbour**

22. (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**

23. 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 for 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**

24. No person shall:
- (a) 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
- (b) without lawful authority use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

### **Safe driving of a vehicle**

25. 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**

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

### **Supervision of vehicles**

27. 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:

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

### **Loads not to leak, spill or drop**

28. 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**

29. 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.

### **Refuelling, etc., of vehicles**

30. No person shall within the harbour premises charge or recharge any vehicle or tank with or empty it of, fuel except with the prior permission of the harbour master.

### **Driving on weighbridges**

31. 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**

32. 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**

33. 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 drink or drugs prohibited**

34. A person shall not navigate any 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.

### **Vessels not to be fumigated without permission**

35. The master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the harbour master.

### **Laying down moorings, buoys and other tackle**

36. (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or prior consent in writing of the harbour master 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 already licensed by a valid works licence granted by the Authority in terms of Section 11 of the ZCC Act 1974.

### **Dumping in harbour waters prohibited**

37. 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**

38. No person shall cast or place any drift, trawl or other net in such a position as to be 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**

39. No person shall drag or grapple for any material or article nor remove the 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**

40. The owner of a vessel which is not registered as a ship 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 exempted by the Authority.

### **Abandonment of vessels prohibited**

41. (1) No person shall abandon a vessel on the banks or shore of the harbour.
- (2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel on the banks or shore of the harbour 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.**

42. (1) No person shall engage in or take part in water ski-ing or aquaplaning except with the written permission of the Authority 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 Ship 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 Authority given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

#### **Assistance to fire and other services**

43. 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**

44. The master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

#### **Obstruction of officers of the Authority**

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

#### **Penalties**

46. (1) Any person who without reasonable cause contravenes or otherwise fails to comply with these byelaws or any requirement made under them shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100: Without prejudice to the generality of the foregoing the maximum penalty which shall apply to a contravention of or failure to comply with byelaws 6, 34 and 35 shall be a fine not exceeding £1000.
- (2) Where the commission by any person of an offence under these byelaws is due to act or default of some other person that other person may be charged with, and convicted of, the offence by virtue of this byelaw whether or not proceedings for the offence are taken against any person other than him.
- (3) In any proceedings for an offence under these byelaws it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence.

**Health and safety at work**

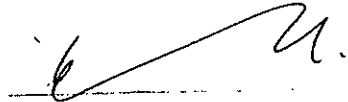
47. Nothing in these byelaws shall prejudice or affect the operation of the relevant Statutory provisions as defined in Part 1 of the Health and Safety at Work, etc., Act 1974.



Member



Member



Director of Administration

Confirmed by the Secretary of State by virtue of Section 202 of the Local Government (Scotland) Act 1973.



Assistant Secretary  
Scottish Development Department  
Edinburgh

31st July, 1987.



**SHETLAND ISLANDS COUNCIL**  
**(Small Harbours & Piers) Byelaws 1986**  
**PART VI — SCHEDULE OF HARBOUR AREAS**

**NOTE:** References herein to “Low-Water” or “Low-Water Mark” means the lowest astronomical tide (L.A.T.) as shown on Admiralty Charts.

**1. BLACKSNESS PIER AREA**

The area adjacent to Blacksness Pier bounded on the north and east by the line of low water of Mainland, on the south partly by the bridge over Clift Sound between Trondra and Mainland and partly by the line of low water on Trondra, and on the west by an imaginary straight line between the northern extremity of Trondra Ness and the southern extremity of Maa Ness.

**2. BALTASOUND AREA**

The area bounded by a line commencing at low-water mark at Qui Ness, thence running in a generally norther-easterly, westerly, easterly and northerly direction along the line of low water to the headland immediately on the north side of the Muckle Geo of the Keen; thence in a straight line in a south-easterly direction to the northernmost point on Balta Isle; thence along the line of low water on the east side of Balta Isle to the southernmost point on that isle; thence in a straight line in a south-westerly direction to the point of commencement.

**3. SYMBISTER/NORTH VOE AREA**

The area bounded as follows:

Commencing at low-water mark on the north-western extremity of Symbister Ness on the island of Whalsay (latitude 60 degrees 20' .500N, longitude 01 degree 02' .100W);

Thence in a generally north-easterly direction by the line of low water on the boundaries of Symbister Bay, Salt Ness and North Voe to Outer North Point (latitude 60 degrees 21' .100N, longitude 01 degree 01' .233W);

Thence in a generally south-westerly direction in a straight line to the point of commencement.

#### **4. MID YELL VOE AREA**

The tidal waters of Mid Yell Voe, the seaward boundary whereof is a straight line due north (true) from low-water mark on the north-eastern extremity of Ness of Lussetter on the island of Yell (latitude 60 degrees 35'.867N, longitude 01 degree 01'.717W) to low-water mark on the southern shoreline of Ness of Kaywick (Latitude 60 degrees 36'.333N, longitude 01 degree 01'.717W).

#### **5. CULLIVOE AREA**

The area bounded as follows:

Commencing at low-water mark on the eastern extremity of the point of Grimsetter on the island of Yell (latitude 60 degree 41'.433N, longitude 00 degrees 59'.617W);

Thence in a generally north-easterly direction in a straight line to low-water mark on the south-eastern extremity of the Ness of Cullivoe (latitude 60 degrees 41'.950N, longitude 00 degrees 59'.183W);

Thence in a generally north-westerly and then south-easterly direction by the line of low water to the point of commencement.

#### **6. WEST BURRA (HAMNA VOE) AREA**

The tidal waters of Hamna Voe, the seaward boundary whereof is a straight line in a generally east-north-easterly direction from low-water mark on the northern extremity of Fugla Ness on the island of West Burra (latitude 60 degrees 06'.467N, longitude 01 degree 20'.717W) to low-water mark on the south-western tip of Scarva Taing (latitude 60 degrees 06'.567N, longitude 01 degree 20'.400W).

#### **7. VAILA SOUND/GRUTING VOE AREA**

The tidal waters of Vaila Sound (including Lera Voe, Wester Sound, Easter Sound) and Gruting Voe (including the Voes of Olas, Seli, Scutta and Browland), the seaward boundaries whereof are:

- (a) on the south-west, a straight line in a generally south-easterly direction between low-water mark on the eastern extremity of the Head of Gilgow in the district of Walls on Mainland (latitude 60 degrees 12'.517N, longitude 01 degree 36'.583W) and low-water mark on the south-western extremity of Muclabery on the island of Vaila (latitude 60 degrees 12'.267N, longitude 01 degree 36'.200W);

- (b) on the south, a straight line in a generally east by south direction between low-water mark on the southern tip of Green Head on the island of Vaila (latitude 60 degrees 11'.667N, longitude 01 degree 33'.800W) and low-water mark on the northern extremity of Taing of Keolkifield in the district of Sandsting on Mainland (latitude 60 degrees 11'.533N, longitude 01 degree 32'.683W).

#### **8. OUT SKERRIES (WEST VOE) AREA**

The area bounded as follows:

Commencing at low-water mark on the south-western tip of The Hogg on the island of Housay (latitude 60 degrees 25'.467N, longitude 00 degrees 46'.883W);

Thence in a straight line due south (true) to low-water mark on Queyin Ness (latitude 60 degrees 25'.380N, longitude 00 degrees 46'.883W);

Thence in a generally north-easterly and south-westerly direction by the line of low-water to the point of commencement.

#### **OUT SKERRIES (SOUTH AND NORTH-EAST MOUTH) AREA**

The area bounded as follows:

Commencing at low-water mark on the south-western tip of The Calf on the island of Grunay (latitude 60 degrees 25'.117N, longitude 00 degrees 44'.900W);

Thence in a generally northerly direction following the line of low water on the western shoreline of The Calf of Grunay;

Thence in a generally north-easterly direction by the line of low water to low-water mark on the north-west tip of the Head of Grunay (latitude 60 degrees 25'.551N, longitude 00 degrees 44'.100W);

Thence in a generally west by north direction in a straight line to low-water mark on the tip of Head of Bloslin on the island of Bruray (latitude 60 degrees 25'.635N, longitude 00 degrees 44'.300W);

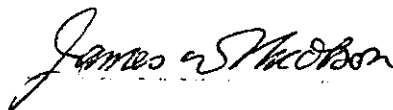
Thence in a generally west-south-westerly direction following the line of low water on the southern shoreline of Bruray to low-water mark on the eastern side of Skerries Bridge connecting the islands of Bruray and Housay (latitude 60 degrees 25'.467W, longitude 00 degrees 45'.334W);

Thence in a westerly direction in a straight line to low-water mark on the island of Housay on the western side of Skerries Bridge (latitude 60 degrees 25'.450N, longitude 00 degrees 45'.400W);

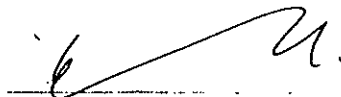
Thence in a generally south-easterly direction by the line of low water to low-water mark on the north-east tip of Bessi Holm (latitude 60 degrees 25' .267N, longitude 00 degrees 45' .100W);  
Thence in a generally south-easterly direction in a straight line to the point of commencement.



Member



Member



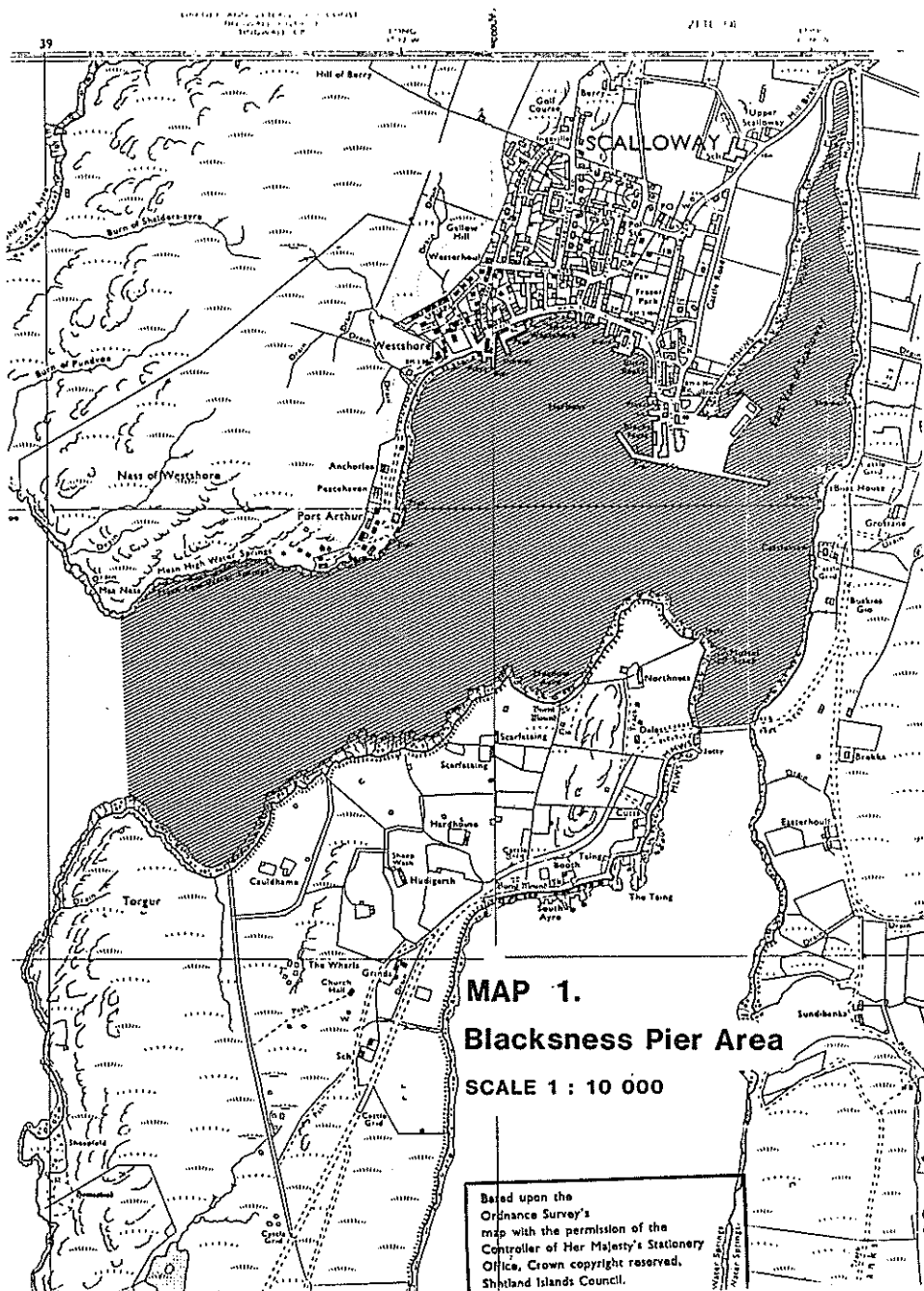
Director of Administration

Confirmed by the Secretary of State by virtue of Section 202 of the Local Government (Scotland) Act 1973.



Assistant Secretary  
Scottish Development Department  
Edinburgh

31st July, 1987.



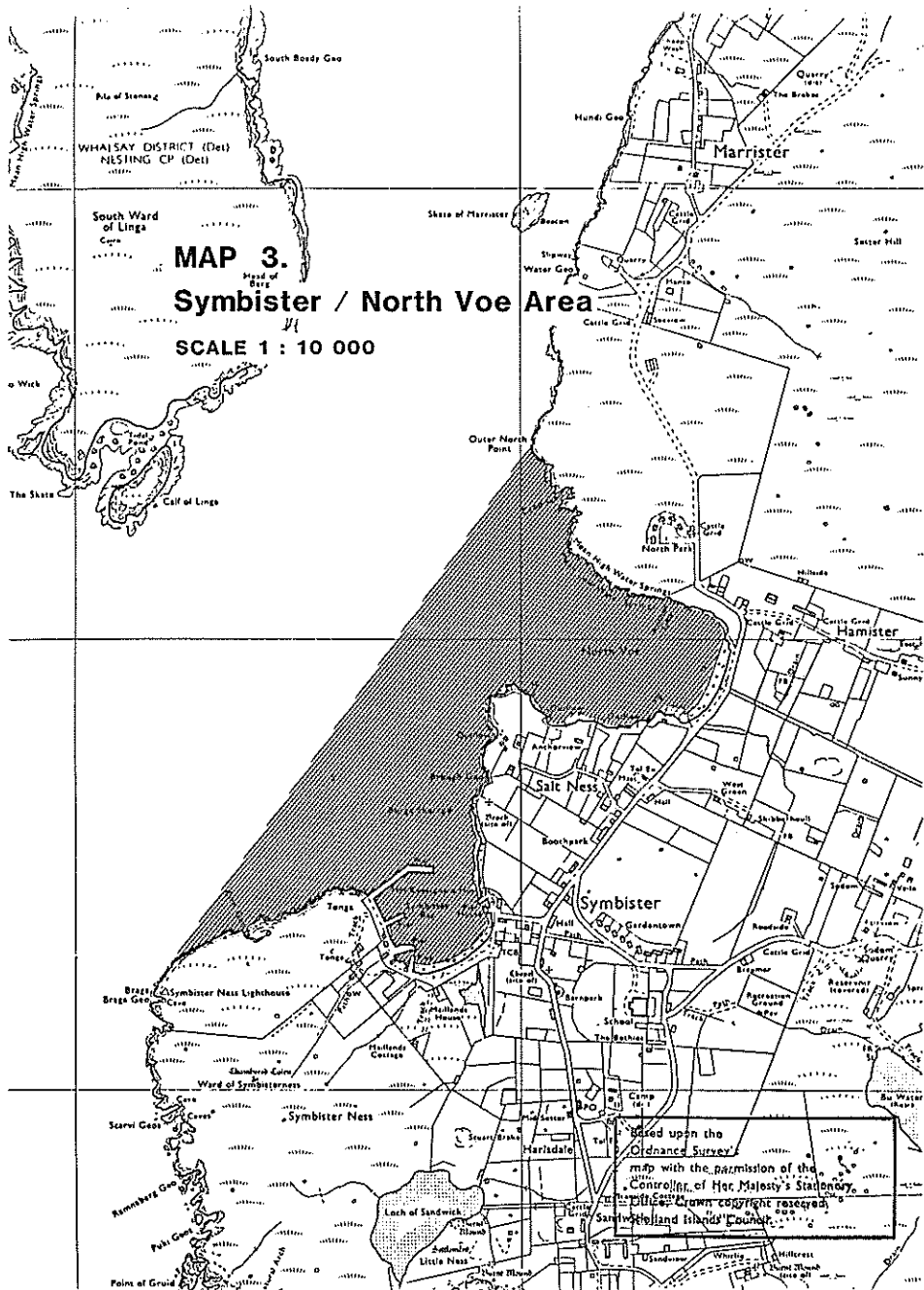
**MAP 1.**  
**Blacksness Pier Area**

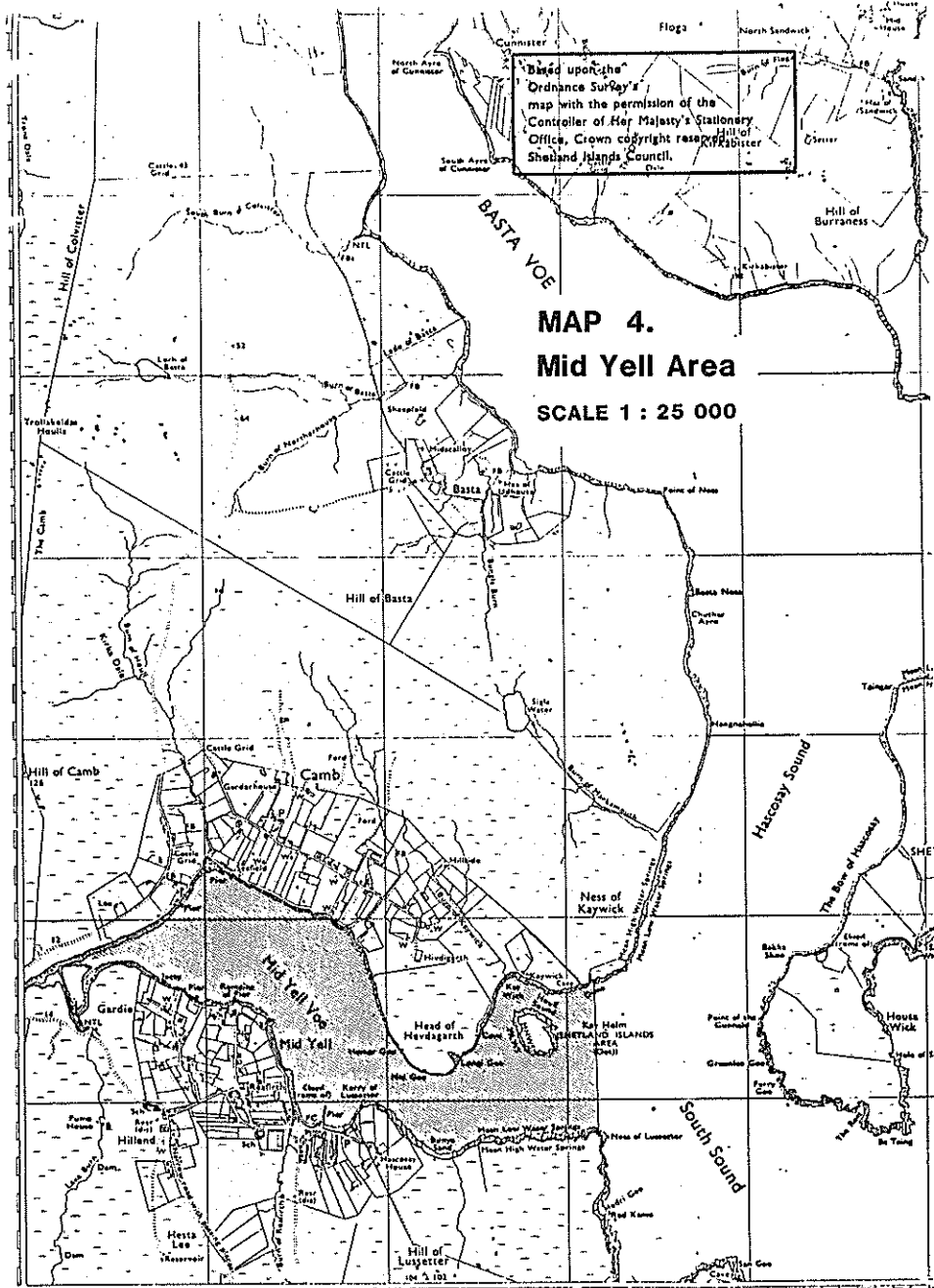
**SCALE 1 : 10 000**

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WATER SOURCE  
 FROM SOURCE

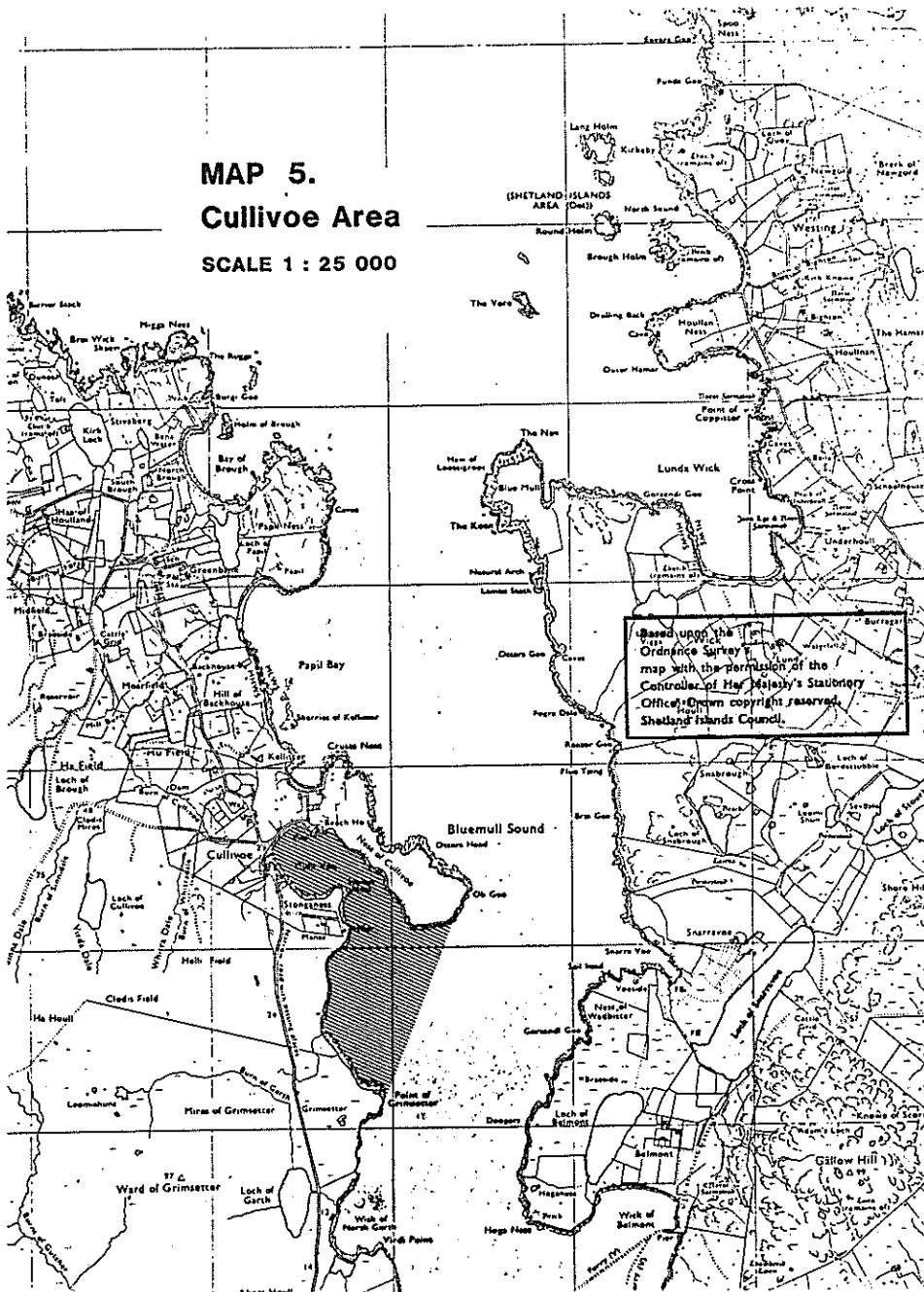


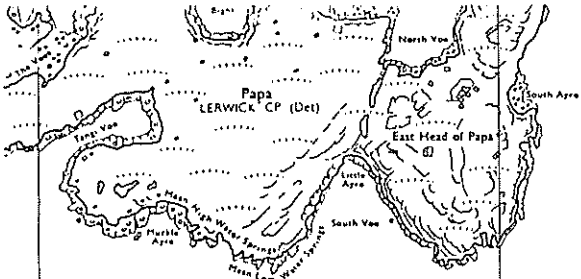






**MAP 5.**  
**Cullivoe Area**  
**SCALE 1 : 25 000**

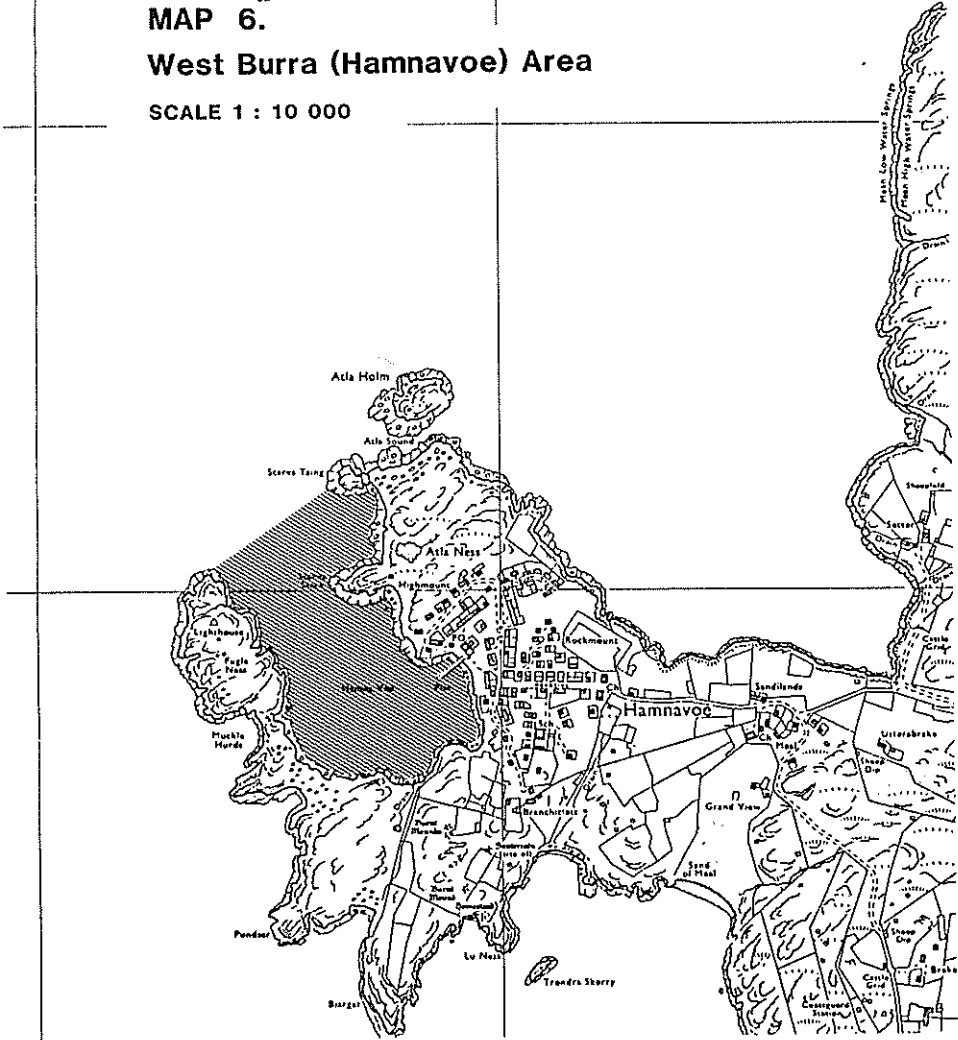


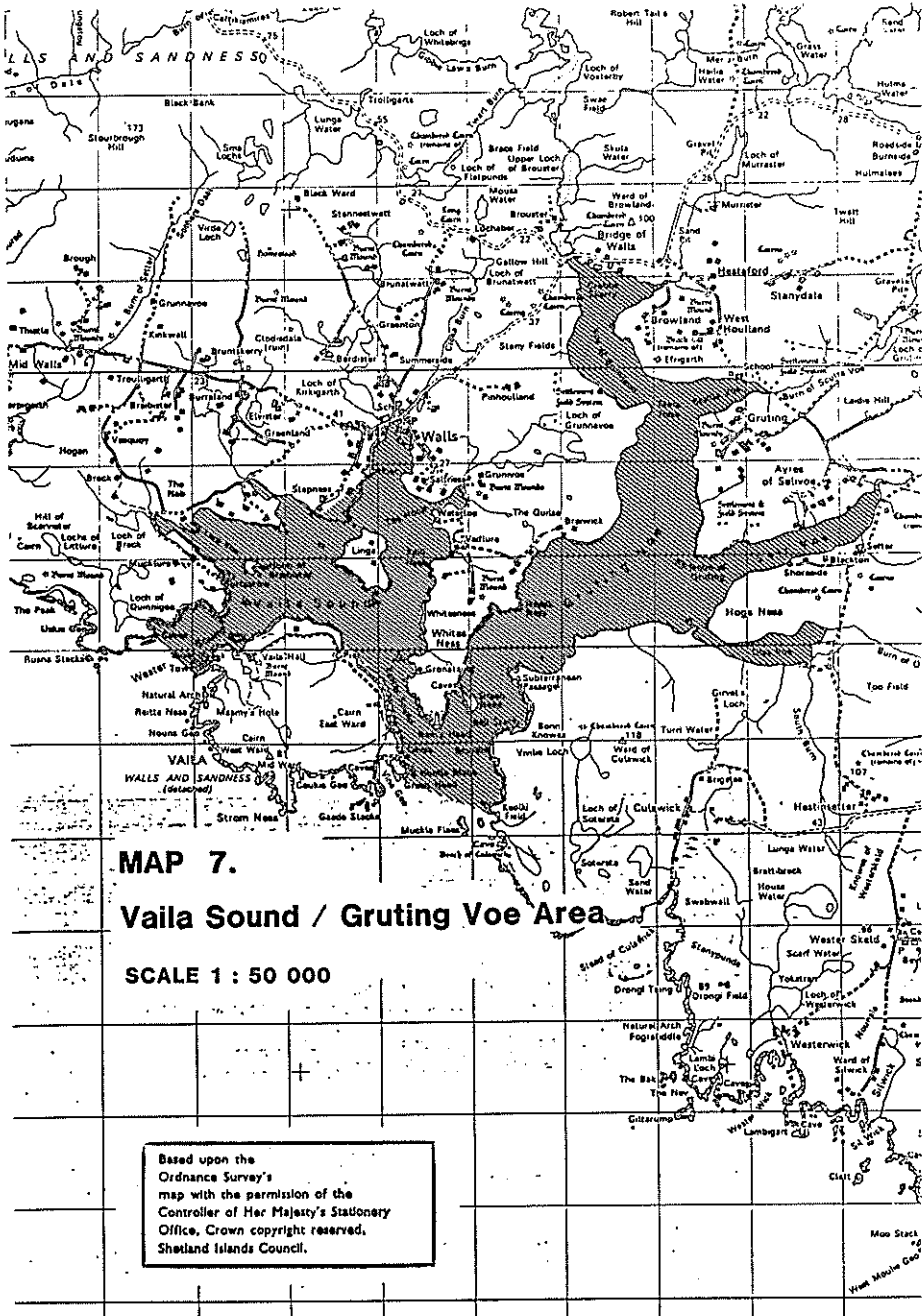


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**MAP 6.**  
**West Burra (Hamnavoe) Area**

SCALE 1 : 10 000



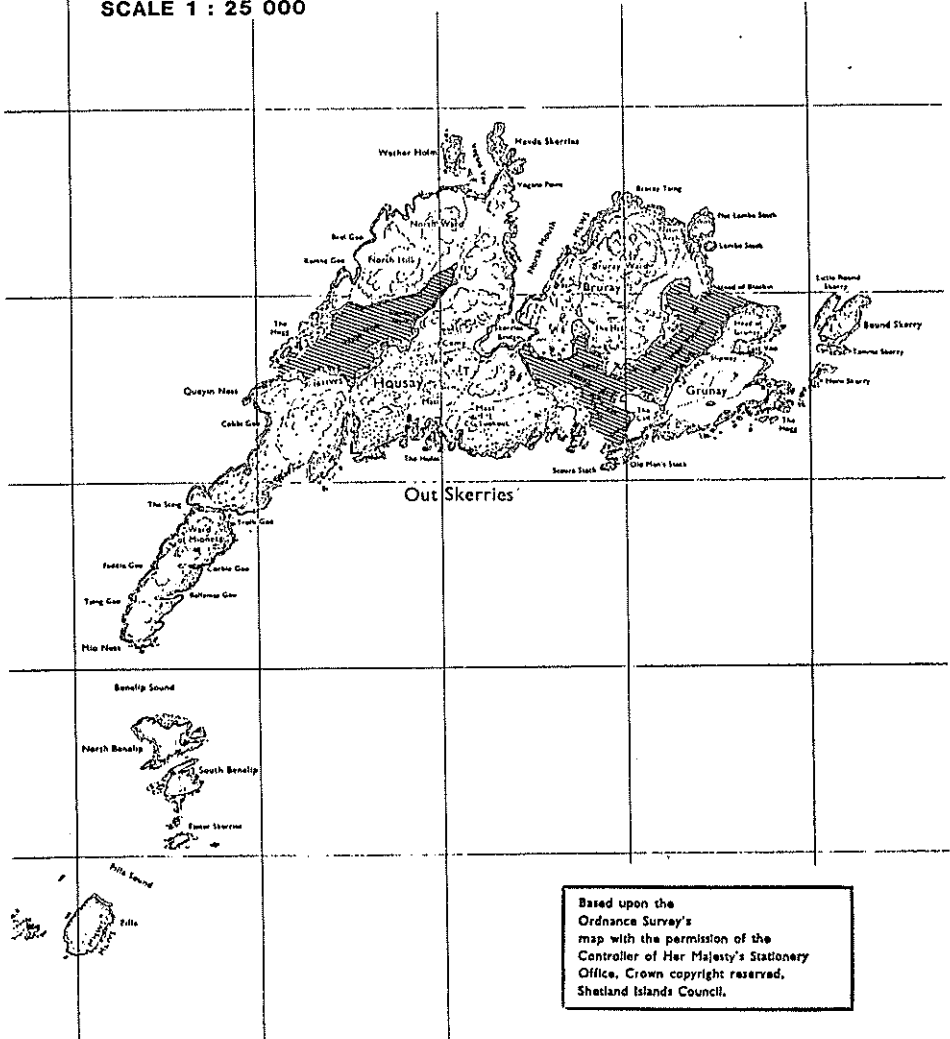


Map 8.

Out Skerries (West Voe) Area

Out Skerries (South and Northeast Mouth) Area

SCALE 1 : 25 000



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