



# WICK HARBOUR

BYELAWS 2007

Wick Harbour Authority  
Harbour Office  
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WICK  
KW1 5HB

# WICK HARBOUR

## BYELAWS 2007

Wick Harbour Authority in exercise of the powers conferred on them by Section 83 of the Harbours, Docks and Piers Clauses Act, 1847, and by the Wick & Pulteney Harbour Acts and Orders 1879 to 2005.

### PART 1 PRELIMINARY

#### 1. Title and Commencement

These Byelaws shall be known as the Wick Harbour Authority Byelaws 2007 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Sheriff at the Court of Wick in the Sheriffdom of Grampian Highland and Islands.

#### 2. Parts

These Byelaws are divided into parts as follows:-

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# WICK HARBOUR AUTHORITY

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Signatories: Wick Harbour Authority  
                  Sheriff of Sheriff Court at Wick

### 3. Interpretation

#### In these Byelaws unless the context otherwise requires:-

**“Authority”** means Wick Harbour Authority;

**“berthed”** when used in relation to a vessel means secured to a pier, quay, jetty, wharf and Pontoon / Marina or to any other vessel so secured;

**“Collision Regulations”** means Regulations for the Prevention of Collision at Sea made under Section 21 of the Merchant Shipping Act 1979, and Section 85 of the Merchant Shipping Act 1995 or any other statutory modification or re-enactment thereof;

**“commercial traffic”** means traffic consisting of all vessels except fishing vessels and small craft used for recreation purposes;

**“competent person”** means an individual who possesses such qualification, training or experience that he is competent to perform the duties required of him;

**“fishing gear”** means nets, ropes, wires, doors, creels and any other equipment used for fishing;

**“fishing vessel”** means any craft designed and constructed for fishing purposes and used solely for the catching of fish or shellfish;

**“Fixed Civil Penalty”** means such sum to be paid as penalty to the Authority as the Authority shall from time to time specify as being due for payment for breach of a specified provision of these Byelaws.

**“goods”** include fish, livestock, minerals, wares and merchandise of every description;

**“harbour”** means Wick Harbour as defined by the Wick & Pulteney Harbour Acts and Orders 1879 to 2005;

**“harbour entrance”** means that part of the Harbour situated between the outer end of the North Pier, (Outer Harbour) and the South Pier, (Outer Harbour).

**“Harbour Master”** means the person appointed by Wick Harbour Authority as Harbour Master and including his authorised deputies, duty docking master, assistants and members of his staff and any other person for the time being authorised by the Authority to act in that capacity;

**“instructions”** shall include, in the case of instructions issued by the Harbour Master, instructions delivered orally or in writing, which may be in the form of a marine notice and if orally or in writing shall include orally by VHF radio or in writing by any electronic means;

**“master”** means every person having command or charge of any vessel, including a fishing vessel and in the case of an abandoned vessel, the registered owner at the time of the vessel’s entering the harbour;

**“navigation channel”** means the deep water channel outside the “river harbour entrance”;

**“navigation fairway”** means the deep water fairway to seaward of the harbour entrance which is used regularly by vessels navigating to or from the harbour and river harbour entrances;

**“owner”** shall include in relation to a vessel any part owner, charterer, agent or mortgagee in possession of the vessel or other persons entitled for the time being to possession of the vessel;

**“owner”** shall include in relation to goods any consignor, consignee, shipper or agent for sale, custody or control of such goods;

**“personal watercraft”** means any small craft propelled by a jet engine or other mechanical means of propulsion and steered either:-

- (i) by means of a handlebar operated linkage system; or
- (ii) by the person or persons riding the craft using their body weight; or
- (iii) by a combination of the methods referred to respectively in (i) and (ii) above;

**“pleasure vessel”** includes any vessel or leisure craft which is owned by an individual natural person or number of natural persons, and which is used for the sport or pleasure of the owner or the immediate family or friends of the owner, and is on a free voyage or excursion.

**“police officer”** shall include any person exercising police duties under the Police (Scotland) Act 1967 as amended, the Harbour Master, and any person authorised to exercise police powers in terms of the Wick & Pulteney Harbour Acts and Orders 1879 to 2005;

**“propulsive machinery”** shall include engines, sails, oars or any other means constructed for the propulsion of a vessel;

**“river harbour entrance”** means that part of the harbour situated between the outer end of the North and South River Piers.

**“quay”** shall include any breakwater, jetty, pier, landing place or pontoon and any dock or wharf in the harbour area;

**“small craft”** includes any vessel or leisure craft of not more than 10 metres in length and whether navigated by sail, oars, or propelled by a jet engine or other mechanical means of propulsion;

**“vehicle”** means any form of vehicle intended or adapted for use on roads, and includes any trailer, caravan, mobile house, mobile crane or other mobile plant, and such vehicle may be self-propelled or may require separate and independent means of propulsion;

**“vessel”** includes any ship, boat, rig, floating barge, pontoon, submersible or hovercraft as defined in the Hovercraft Act 1968 or any other description of vessel of whatsoever construction and whether self-propelled or otherwise and includes any part of a vessel whether in-use or out-of use, seaworthy or un-seaworthy;

**“wreck”** includes any vessel which as a result of stranding, hull or engine damage, abandonment or any other cause constitutes in the opinion of the Harbour Master, a hazard or objectionable presence within the harbour limits;

**4. Application**

These byelaws shall be of effect within the whole of Wick Harbour as defined by the Wick & Pulteney Harbour Acts and Orders 1879 to 2005.

Providing that nothing in these byelaws shall be construed as derogating from the powers conferred upon the Harbour Master otherwise than by these byelaws.

## **PART II            NAVIGATION**

**5. General Regulation of Traffic**

The Master of a vessel shall give prior notice to the Harbour Master of the vessel's arrival at, departure from or intention to manoeuvre within, the harbour limits and shall so enter, leave or manoeuvre at all times in accordance with such instructions as may be delivered to him by the Harbour Master.

Prior to arrival within the harbour limits the Master of a vessel shall give intimation to the Harbour Master, where applicable, of the name of the vessel, and port of registry, the tonnage, length overall and draught of the vessel, the name of the Master and owner of the vessel, the port or place from which the vessel has arrived and the nature of the cargo contained within the vessel together with any additional information as requested by the Harbour Master.

**6. Anchoring within Harbour Limits**

The Master of a vessel requiring to anchor within the harbour limits shall inform the Harbour Master of his intention and shall only anchor in accordance with the directions of the Harbour Master. Except in the case of an emergency the Master of a vessel requiring to anchor within the harbour limits shall not anchor within the navigation channel or navigation fairway except with the permission of the Harbour Master.

**7. Closure of Harbour to Incoming or Outgoing Traffic**

Without prejudice to the generality of the powers conferred upon the Harbour Master, and in any case when he is of the opinion that for navigational or health and safety reasons the harbour shall not be open to the free movement of any vessel either into or out of the harbour, the Harbour Master may close the harbour to either incoming or outgoing traffic, or both, of any class, and in such circumstances he shall pass such instructions to those vessels so affected.

**8. Conduct of Vessels within Navigation Channel and Navigation Fairway**

(a) The Master of every vessel waiting within the navigation fairway shall so manoeuvre such vessel at all times so as not to obstruct vessels entering or leaving the harbour.

(b) The Master of a vessel shall not allow his vessel to lie in the navigation fairway or the navigation channel of the harbour without the permission of the Harbour Master

(c) The Master of a small craft shall not make use of the navigation channel so as to cause obstruction to other vessels which can navigate only within the navigation channel.

(d) The Master of a vessel, except a vessel under tow, shall keep his vessel at a distance of not less than 70 metres behind any other vessel proceeding in the same direction ahead of his vessel in the navigation channel.

(e) The Master of a vessel shall not cause or permit his vessel to enter the navigation channel abreast of any other vessel or to overtake any other vessel in the navigation channel except with the express authorisation of the Harbour Master.



**9. Conduct of Vessels within the Harbour**

Without prejudice to any other of these byelaws, a person who as owner, Master or otherwise has the charge or control of any vessel shall neither cause nor suffer such vessel to be navigated within the harbour in a dangerous manner, or without due care and attention, or without reasonable consideration for other persons, and without prejudice to the foregoing generality such person shall cause a proper lookout to be kept and shall ensure that the said vessel is navigated in such a manner as to involve neither the risk of collision nor the generation of a wash which might endanger any other person, property or vessel.

**10. Speed of Vessels**

Except in the case of emergency the Master of a vessel other than a vessel navigated by sail shall not cause or permit his vessel to proceed in any part of the harbour at a speed in excess of 5 knots over the ground. Provided that in circumstances where the Harbour Master is satisfied that it is unsafe for any vessel to proceed at a speed of 5 knots or less he may authorise the master of such a vessel to proceed at such speed in excess of 5 knots as he shall specify. Breach of this Byelaw shall be liable to a Fixed Civil Penalty.

**11. Navigating Whilst Under the Influence of Drink or Drugs**

A person shall not navigate any vessel within the harbour whilst under the influence of drink or drugs to such an extent as to be unfit to exercise proper control of the vessel.

**12. Vessels to Keep Clear of Obstructions**

The Master of a vessel shall cause his vessel to keep well clear of, and to go dead slow when obliged to pass within 100 metres of, places where sunken vessels or other obstructions are being lifted or removed, where moorings are being drawn or fixed or where underwater operations are taking place.

**13. Vessels not to Approach Vessels Taking in or Discharging Dangerous Goods**

The Master of a vessel shall not, without permission of the Harbour Master, cause or permit his vessel to lie alongside of or to approach within 50 metres of any vessel displaying the single letter flag "B" of the International Code of Signals 1969, and/or a red light in a conspicuous position visible all around the horizon, which means "I am taking in, or discharging or carrying dangerous goods".

**14. Notification of Collisions etc**

The Master of a vessel which:-

- (i) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the harbour; or
- (ii) 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
- (iii) in any manner gives rise to an obstruction to a navigational channel shall forthwith report the occurrence to the harbour master and as soon as practical thereafter provide the harbour master with full details in writing, and where the damage to a vessel is such as to affect or be liable to affect its seaworthiness the master shall not move the vessel except to clear the navigational channel or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

**15. Vessel Adrift**

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

**16. Conduct of Vessels Aground**

- (i) The Master of any vessel which goes aground in the harbour shall immediately advise the harbour master that his vessel is aground and the name of the vessel and port of registration, the names of the owners and insurers, the identity of the master, the nature and quantity of the cargo and of the oil bunkers being carried at the time of grounding and the precise location at which the vessel lies aground.
- (ii) The Master of a vessel which is aground in the harbour shall cause to be exhibited the lights and shapes required by the Collision Regulations, and make the appropriate sound signals laid down therein.
- (iii) The Master of a vessel which is aground in the harbour shall at all times cause a proper lookout to be kept and shall give warning to approaching vessels of the presence of the grounded vessel.

**17. Abandonment of Vessels**

- (a) No person shall abandon a vessel in any part of the harbour.
- (b) For the purposes of paragraph (a) of this byelaw, a person who leaves a vessel in any part of the harbour in such circumstances or for such 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. In the event of doubt, it shall be deemed to be conclusively shown that a vessel is abandoned if following:
  - (i) a notice affixed to the vessel; or
  - (ii) a notice published by advertisement in a local newspaper circulating in Wick;by the Harbour Master giving seven days notice of intention to treat the vessel as abandoned, no person claiming interest in or ownership of the vessel shall contact the Harbour Master or the Authority at the Harbour Office.
- (c) Where a vessel has been abandoned, the Harbour Master may have the vessel removed and disposed of on behalf of the Authority and apply the whole of any proceeds obtained from such disposal to the expenses of the Authority in such disposal.
- (d) Where the Authority is able to identify the last known owner, the Harbour Master may serve notice on owner requiring the owner within seven days to :
  - (i) deny ownership and identify the person to whom ownership in the vessel was transferred; or
  - (ii) failing denial of ownership, to remove the vessel from the harbour;

and failing the person on whom notice has been served complying with such notice, the Harbour Master may have the vessel removed and disposed of, apply any proceeds obtained from such disposal to the costs of disposal, and recover from the person on whom notice was served the expenses or balance of expenses of the Authority in attending to the removal, and disposal of the vessel.

- (e) No person shall have any claim against the Harbour Master or Authority where a vessel has been disposed of under this byelaw where it is alleged that proceeds from disposal of such items were lower than might otherwise have been obtained by an alternative means of disposal.
- (f) This Byelaw is without prejudice to the operation of section 45 of the Wick and Pulteney Harbours Act 1899.

**18. Unsafe Vessels**

- (a) The Master of any vessel which in the opinion of the Harbour Master is unsafe or likely become a wreck, shall follow the directions of the Harbour Master, which without prejudice to the generality may include directions:
- (i) as soon as practicable to secure the services of such salvage contractors as have in the opinion of the Harbour Master, sufficient skills and resources to ensure the removal of the vessel from the harbour, and thereafter to remove the vessel within such timescale as the Harbour Master shall direct;
  - (ii) to secure the services of such pollution control contractors as have in the opinion of the Harbour Master sufficient skills and resources to combat pollution from oil or other matter likely to escape from the vessel, and to remove from the vessel such oil or matter likely to escape;
  - (iii) to obtain insurance for such risks as the Harbour Master shall specify, and to exhibit such policy documents;
  - (iv) to secure the vessel within such part of the harbour or foreshore as the Harbour Master shall direct;
  - (v) to erect such warning signs or notices as the Harbour Master shall direct.
- (b) Where directions have been given by the Harbour Master under this byelaw, if the Master of any vessel does not accept the vessel is unsafe or likely to become a wreck, he may obtain a survey by an independent ship surveyor, and exhibit the full report to the Harbour Master; until such a report is given showing to the satisfaction of the Harbour Master, that the vessel is not unsafe or likely to become a wreck, the vessel shall remain subject to the provisions of this byelaw.
- (c) The Harbour Master may, in case of non-compliance with, or unsatisfactory results from, the implementation of paragraphs (a) and (b) of this byelaw, carry out such salvage and pollution control measures as he may consider necessary and the charges or costs arising from such actions will be recovered from the owner of the vessel or at the discretion of the Harbour Master, from the person who was the owner for the vessel concerned at the time the Harbour Masters direction was given.
- (d) The Master or owner of any unsafe vessel within the Harbour shall be responsible for any damage or injury caused or resulting to third parties as a result of the state of the vessel, whether or not any direction or instruction has been given by the Harbour Master, and the Harbour Authority shall have no liability therefore, unless such damage or injury is a direct result of complying with directions given under this byelaw.

### **PART III BERTHING AND MANAGEMENT OF VESSELS**

**19. Mooring and Berthing Vessels**

- (a) On entering the harbour the master of every vessel shall berth and moor his vessel and make it fast according to the instructions of the Harbour Master and shall not berth or moor or make fast except in accordance with permission and instructions given by the Harbour Master.
- (b) The Master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.

- (c) Vessels that are berthed shall, on receipt of a bad weather forecast or instructions from the Harbour Master or Harbour staff, ensure that additional moorings are used to enable the vessel to remain alongside.
- (d) In bad weather conditions vessels berthed in the River Harbour must have their engines ready to proceed to sea if required to do so by the Harbour Master.

**20. Vessels not to Leave Berth without Authority of Harbour Master**

The Master of any vessel berthed or moored in the harbour shall neither move his vessel nor cause his vessel to leave her berth or mooring without the authority of the Harbour Master and he shall comply with any instruction received from the Harbour Master in that respect.

**21. Sufficiency of Crew**

Except with the permission of the Harbour Master, the Master of a vessel shall at all times when his vessel is within 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:-

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

**22. Vessels to be kept in a Moveable Condition**

- (a) The Master of a seagoing vessel shall not cause or permit his vessel to be rendered incapable of movement without first obtaining permission from the Harbour Master and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.
- (b) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall inform the Harbour Master forthwith, give to him any further information which the Harbour Master may reasonably require, and follow such directions as the Harbour Master may give, including directions to secure the vessel in such part of the harbour as the Harbour Master may direct or to remove the vessel from the harbour.

**23. Vessels to be Made Fast to Equipment on Quay**

The Master of any vessel intending to berth at any quay within the harbour shall make his vessel fast to the quay by attaching ropes or other connections to any mooring device or equipment located on the quay for that purpose, and he shall not attach ropes or other connections to any other device or equipment on the quay. Whilst attached to any mooring device or equipment, the master shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to such mooring device or equipment, the bed or banks of the harbour or to any other vessel or property.

**24. Provision of Proper Fenders**

The Master of every vessel in the harbour shall provide for such vessel proper and sufficient fenders of such material as will float and when lying or moored at a quay shall fend or cause such vessel to be fended off from that quay so as to prevent damage to the quay and other works or to his own or to other vessels which damage might be caused by the motion of the vessel or otherwise; the master of every vessel lying against any other vessel within the harbour shall provide similar fenders and shall fend or cause such vessel to be fended off from the other vessel; in the case of more than one vessel lying against any other vessel at any quay the master of the vessel lying furthest from the quay shall fend his vessel off from such vessel as may lie adjacent to him and nearer to the quay.



**25. Recovery of Fenders**

The Master, owner or operator of any vessel, having lost from his vessel or, as the case may be, from his berthing facility, base, jetty or quay any fender or material used to separate vessel from vessel, or vessel from structure, shall immediately recover the same at his own expense in accordance with arrangements made to the satisfaction of the Harbour Master.

**26. Testing of Engines**

The Master of a vessel moored alongside a berth within the harbour shall not cause or permit the engines of such a vessel to be set in forward or reverse propulsion without the permission of the Harbour Master.

**27. Vessels not to be Made Fast to Navigation Buoys or Marks**

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

**28. Anchors not to Interfere with Navigation**

The Master of a vessel requiring to anchor or lying at anchor inside harbour limits, shall cause the anchors of his vessel to be so laid as not to interfere with the navigation of other vessels.

**29. Lighting of Vessels Berthed in the Harbour**

The Master of a vessel berthed at any quay or where a vessel is berthed alongside any other vessel, the vessel outmost from the quay shall at all times between sunset and sunrise illuminate the decks of the vessel throughout its length

**30. Lost Anchor, Cable or Propeller**

(a) 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, 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.

(b) The master of a vessel slipping or parting from any anchor or propeller shall leave a buoy to mark the position thereof.

**31. Restriction of Launching**

A person shall neither launch nor allow to be launched any vessel into the harbour without the permission of the Harbour Master, provided that this byelaw shall not apply to the RNLI lifeboat.

**32. Residence on Vessels for extended periods**

(a) Where persons intend to reside, or do reside, on a vessel remaining within the harbour for a period in excess of seven days, the Master of the vessel shall notify the Harbour Master as to the number of persons residing on the vessel, their names, dates of birth, and nationality, and the intended total duration of their residence. All persons residing on the vessel shall be required to comply with such specific directions as the Harbour Master shall issue in connection with the berthing of the vessel, the taking on of supplies, and the discharge of waste and otherwise.

(b) This provision does not apply to cases where one or more of a crew remain on board a vessel solely to

(i) carry out work or duties of that vessel; and/or

(ii) maintain a watch on the vessel; while other members of the crew are ashore.

**33. Confinement of Animals**

(a) The Master of any vessel having on board dogs, cats, or other animals shall for the duration of the vessel's stay within harbour limits:

- (i) confine such animal in such manner as to prevent contact with any harbour official or member of the public having business on board; and
- (ii) render it incapable of leaving the vessel;

until such time as he shall demonstrate to the Harbour Master that the animal may leave the vessel in compliance with current animal travel and quarantine regulations, following which the Master of the vessel shall ensure that:

- (iii) the animal is kept under control at all times while within the harbour limits.

(b) Where any animal not authorised to leave a vessel in compliance with current animal travel and quarantine regulations is removed or escapes from a vessel, or shall have contact with any person or other animal, the Master of the vessel shall immediately inform the Harbour Master.

(c) This Byelaw shall not affect, prejudice or supersede any order or authorisation issued by the Scottish Executive Environment and Rural Affairs Department (SEERAD) or other government department or agency dealing with the transportation and quarantine of animals. In the event that the Harbour Master is not satisfied with evidence supplied by the Master of a vessel that an animal may lawfully leave the vessel, he shall be entitled to require the animal to remain confined until receipt of confirmation from SEERAD or other appropriate department or agency that the animal is so entitled.

**34. Fumigation**

(a) The Master of any vessel shall not permit his vessel to be fumigated in any part of the harbour without the permission of the Harbour Master.

(b) The Master of every vessel for the fumigating of which permission has been given by the Harbour Master, shall place his vessel in such part of the harbour as the Harbour Master may direct for the purposes of being fumigated and shall keep such vessel in the same position during the whole operation of the fumigating unless otherwise directed by the Harbour Master.

**35. Access to Vessels**

The Master of any vessel berthed or moored in the harbour shall ensure that a properly secured gangway or other satisfactory means is provided for safe access to and from his vessel, and when such vessel is berthed at any quay the master shall allow the crew or other authorised persons of any vessel lying further off from the quay safe passage across his vessel to and from the quay; such gangway shall be suitably illuminated at night; and shall have at all times an under-slung safety net.

**36. Access Across Decks**

The master of every vessel berthed against any quay in the harbour shall allow free passage to those persons engaged in the discharging or loading of cargo of any other vessel or vessels lying further off from the quay and for conveying to or from such other vessel or vessels all articles or goods as may reasonably be carried across or over the deck of his vessel for ballasting, fuelling, storing or repairing the same; and shall, for any of the said purposes, provide, on such vessel of which he is master, every reasonable facility for the placing, by the master of such other vessel or vessels, of gangways and also, if required by the harbour master for the rigging of any tackle.

**37. Harbour Master to Have Free Access**

The master of a vessel within the harbour shall afford the Harbour Master, on production of his authority, all reasonable facilities for the inspection and examination of the vessel when it is reasonably required by him for the purpose of ascertaining whether any relevant part of these Byelaws is being duly observed.

**38. Assistance to Emergency Services**

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

**39. Fire Precautions**

The master of a vessel shall take all reasonable precautions for the prevention of accidents by fire. In the event of an outbreak of fire on board any vessel within the port or in any building within the dock estate, the person in charge of such vessel, or the occupier of the building as the case may be, shall inform the Harbour Master as soon as possible and take immediate action to bring all available fire fighting equipment into operation.

**40. Hot Work**

No person shall carry out any operations involving burning, welding or the use of naked flames on board vessels or on quays within the port without having given total adherence to Health and Safety requirements which shall include the wearing of appropriate proper protective equipment.

## PART IV FISHING VESSELS

**41. Berthing of Fishing Vessels**

The master of a fishing vessel shall promptly obey all directions which the Harbour Master shall give them from time to time either in regard to mooring of the vessels in any part of the harbour or their removal from one part of the harbour to another part, or outside or into the interiors of the harbours.

**42. Report on Fish Sold**

All salesmen and/or vessel owners/masters selling fish or shellfish within the market or in any other part of the harbour shall be bound to deliver to the Harbour Treasurer or any other person authorised by the Authority to receive the same, a full account of the fish sold by them: such account to contain the names of the vessels discharging fish, or the person or persons for whose account they are sold, and also the names of the persons purchasing the same.

This byelaw shall also apply to all fish landed on the quay whether to bins, on the quay, direct to road vehicles or by whichever other landing system which shall include a vessel discharging to another vessel.

This byelaw shall not prejudice the operation of section 14 of the Wick and Pulteney Harbour Act 1899.

**43. Private Sales**

The master or owner of any vessel, small craft or yawl selling fish, crabs, lobsters or other shellfish privately without medium of a salesman shall furnish a full account thereof to the harbour office upon completion of the sale.

**44. Nets and fishing gear**

The master or owner of a fishing vessel shall not without permission from the Harbour Master leave any nets or fishing gear on any other part of the harbour. Any nets or

fishing gear left with the permission of the Harbour Master shall be properly tagged with the name of the vessel.

Nets or fishing gear left without permission of the Harbour Master may be removed and held of by the Authority, who shall be entitled to levy from the owner such storage charge as they shall from time to time set.

Any fishing gear or nets which have been removed from the quays or piers and which cannot be identified shall, after a period of time which is considered to be appropriate, be disposed of by the authority of the Harbour Master.

**45. Fishing Restrictions within the Harbour**

No person shall fish in the harbours by means of a net of any description and no creels, lobster pots or keepers shall be placed in the harbours without the permission of the harbour master, and only at such places as he may direct. Any creels, lobster pots or keepers placed outside the permitted areas will be removed by the Harbour Master.

## **PART V**

### **CARGO HANDLING AND MANAGEMENT OF QUAYS**

**46. Precautions Against Goods or Cargo falling into the Harbour**

(a) The master of a vessel and a person undertaking the loading of cargo into, or discharging of cargo from a vessel shall exercise due diligence to ensure that he neither causes nor suffers any part of that cargo to be thrown or to fall into the harbour and shall use, or cause to be used such precautionary methods as stipulated by the Harbour Master. In the case of accidental loss he shall request permission of the Harbour Master to recover such cargo in accordance with the provisions of Byelaws 68 and 69.

(b) If any oil or mixture containing oil is discharged or allowed to float or leak into waters within harbour limits from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this byelaw:-

(i) if the discharge is from a vessel, the owner or master of the vessel, or

(ii) if the discharge is from a place on land, the occupier of that place,

(iii) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the operation shall be guilty of an offence against these Byelaws.

**47. Control of Explosives**

Vessels intending to load or discharge explosives or vessels having explosives on board must berth at the North Pier, River Harbour as directed by the Harbour Master and comply fully with the conditions of the Harbour Explosives License.

**48. Smoking Prohibited in Vicinity of Combustible Cargo**

A person shall not smoke on board any vessel while it is discharging or loading any combustible thing, or in any shed, warehouse, tank farm or storage area within the harbour, where a notice is for the time being exhibited indicating that smoking is forbidden. The foregoing prohibition shall include smoking inside a vehicle which is stationary within or passing through any area in respect of which such a notice is exhibited.

**49. Mobile Phones and Other Personal Electronic Equipment**

A person shall not operate any mobile phone or other personal electronic equipment that is not certified intrinsically safe in the vicinity of an inflammable substance or explosives.

**50. Requirements as to Handling of Goods on the Quays**

A person shall not place, lay down or leave upon any part of the quay, any goods, article or thing which, in the opinion of the Harbour Master may obstruct or impede or tend to obstruct or impede the discharging or loading of any vessel or the taking away, or the bringing of any cargo from or to the vessel, or tend to obstruct or impede the traffic on the quays; and the owner or person having charge of any such goods, article or thing shall cause the same to be immediately removed from the quays on receiving an instruction to that effect from the harbour authority.

Provided that where that owner or person shall fail to comply with such an instruction within a reasonable time, the Harbour Master may remove, store or deliver the goods, article or thing from the quays and the expense of such removal, storage or delivery shall be borne by the owner of the goods, article or thing removed, stored or delivered.

**51. Storage and Maintenance of Goods**

Any goods or articles brought on to or left on any part of the harbour works with the permission of the Harbour Master, shall be properly stored and maintained, and during the hours of darkness may require to be marked by warning red lamps to the satisfaction of the Harbour Master.

**52. Abandoning Goods Prohibited**

A person shall not without permission of the Harbour Master leave unattended upon any part of the harbour works any goods, material, vehicle or article for a period in excess of 12 hours. Where such goods, material, vehicle or article are so deposited or placed without the permission of the Harbour Master, then the Harbour Master may treat the same as abandoned, remove and dispose of such goods, material, vehicle or article and apply the whole of any proceeds from such disposal to the authorities costs in dealing with the same.

**53. Control of Cranes and Cargo-Handling Appliances**

A person shall not operate a crane or cargo handling appliance on any quay without the permission of the Harbour Master, and shall at all times comply with the directions of the Harbour Master regarding the movement and positioning of such crane or cargo handling appliance.

**54. Control of Loading and Unloading of Vehicles**

The driver or persons having control of a vehicle shall obey instructions given by the Harbour Master or any officer or servant of Wick Harbour Authority duly authorised in that behalf or by any police officer, with respect to the loading, unloading, placing, moving, management or any removal of such vehicle from the quay.

**55. Control of traffic**

(a) Any person within the Harbour, whether on foot or in control of a vehicle shall obey instructions given by the Harbour Master, any person authorised by the Harbour Master to direct traffic or any police officer to leave a specified area of the harbour, or remove a vehicle, or when travelling to take a specified route through the harbour, where this is required for the following purposes:

(i) to avoid disrupting the normal operations of the harbour;

(ii) to allow unimpeded access to a part of the harbour for emergency services dealing with an incident;

(iii) where there is a risk of injury to persons or vehicles entering a particular area of the harbour;

(iv) in the case of vehicles only, in any case where in the opinion of the Harbour Master or any police officer that the vehicle may cause damage to a quay or road within the harbour.

(b) Where a person disobeys such instructions, neither:

- (i) the person themselves; nor
- (ii) any passenger within, or owner of, a vehicle

shall have any claim against the Authority for injury or damage arising from failure to comply with such instructions, all liability resting with the person disobeying the instructions.

#### **56. Parking Control**

(a) Where an area of the harbour as is designated as being an area where parking is prohibited or restricted, by means of either:

- (i) A sign or markings in conformity with the Traffic Signs Regulations and General Directions 2002 (or any amendment or replacement thereof); or
- (ii) A sign specifying that in terms of this Byelaw parking is prohibited by the Authority in the designated area, or that parking is restricted by the Authority and providing details of the restriction in force;

any person parking a motor vehicle in that area in breach of such prohibition or restriction shall be liable to a Fixed Civil Penalty.

(b) Where a motor vehicle remains parked within an area of the harbour designated as being an area where parking is prohibited, for a period in excess of 12 hours, the Authority shall be entitled to remove and impound the vehicle, and

- (i) require payment of a further Fixed Civil Penalty before releasing the vehicle; and
- (ii) where no person claims the vehicle and pays the applicable Fixed Civil Penalties within 28 days, to dispose of the vehicle and retain any proceeds from such disposal.

(c) This provision shall apply to temporary parking prohibitions and restrictions, providing that this shall not apply to vehicles already parked prior to erection of signs indicating the imposition of such temporary prohibitions and restrictions.

#### **57. Obstruction by Vehicles**

The person having control of a vehicle shall not cause that vehicle to wait on any quay in such a manner as to obstruct or impede the movement of vehicles along the quay or to interfere with the loading, discharging or movement of goods or cargo or with the movement of pedestrians or the operation or movement of plant or equipment.

Any person in breach of this Byelaw shall be liable to a Fixed Civil Penalty.

#### **58. Restriction on Parking of Goods Vehicles**

A person shall not cause or allow any vehicle designed for the transport of goods to stand on any of the quays longer than is actually required for the loading or unloading of goods into or out of such vehicle.

Any person in breach of this Byelaw shall be liable to a Fixed Civil Penalty.

#### **59. Speed Limit for Vehicles**

The driver or other person having control of a vehicle shall not cause or permit that vehicle to proceed on:

- (i) any quays; or
- (ii) any roads between the limits marked by appropriate signage; within the harbour at a speed in excess of 15 miles per hour.



**60. Loads not to Leak, Spill or Drop**

The owner, driver or other person having charge of a vehicle shall not permit to leak, spill or drop from the vehicle any polluting substance or any substance which is likely to present a hazard to other harbour users.

**61. Accidents to be Reported**

Any person driving or otherwise operating a vehicle involved in an accident whereby any injury is caused to any person or any damage is caused to any property shall stop the vehicle and report the accident to the Harbour Master.

## PART VI RECREATION AND LEISURE

**62. Small Craft**

Without prejudice to the terms of these Byelaws a person in charge of a small craft shall comply with such directions as may from time to time be given by the Harbour Master with respect to the movement of such vessels within the waters of the harbour.

**63. Navigation of Small Craft**

Without prejudice to any other of these Byelaws, a person who whether as owner or otherwise has the charge or control of a small craft shall neither cause nor suffer such vessel to be navigated within the harbour in a dangerous manner without due care and attention, or without reasonable consideration for other persons.

**64. Internal Combustion Engines to be fitted with Suitable Silencers**

A person shall not navigate a small craft propelled by an internal combustion engine within the harbour unless the engine is fitted with a silencer suitable and sufficient to reduce as far as may be reasonable in the opinion of the Harbour Master the noise caused by the escape of exhaust gases from the engine.

**65. Personal Watercraft**

No person shall navigate or operate a personal watercraft without the prior consent of the Harbour Master and only in accordance with such conditions as the Harbour Master may impose. Due regard and avoidance, where possible, should be given to areas delineated for sailing purposes, other marine areas or creel fishermen marker buoys.

Without Prejudice to any other of these byelaws no person shall operate a personal watercraft without due care and attention or at a speed or manner which, having regard to the prevailing circumstances and conditions, including weather conditions, endangers the safety of others or causes injury to any person, vessel or property.

**66. Water Ski-ing, Aquaplaning, Boardsailing etc**

(a) No person shall engage or take part in water ski-ing, aquaplaning or boardsailing except with the permission of the Harbour Master given either specifically or generally and only in such areas as may be designated from time to time by the Harbour Master and no water ski-ing is to take place within 100 metres of any diving operation or any person bathing.

(b) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have onboard 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:-

- (i) for each person on board a life jacket manufactured in accordance with the appropriate British Standard Specifications or a personal buoyancy aid of the Ship and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher;
  - (ii) for each person water ski-ing or aquaplaning a rescue quilt with line or other sufficient hand thrown rescue device.
- (c) No person shall engage in parachute towing within the harbour limits without prior 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.
- (d) The speed restriction imposed by Byelaw 10 will not apply to vessels authorised by the Harbour Master under this byelaw to engage in water ski-ing, aquaplaning or parachute towing.

**67. Public Events**

- (a) The organiser of any boat race, regatta, swimming competition, public procession or other public event when
- (i) a number of vessels are expected to assemble on the waters of the harbour or its approaches; or
  - (ii) a number of persons are expected to assemble on the harbour quays; shall give not less than 28 days' notice thereof to the Harbour Master.
- (b) Every such event shall require the prior approval of the Harbour Board and shall be conducted over courses and at times previously approved by the Harbour Master and in accordance with any directions issued by him.

## **PART VII GENERAL**

**68. Diving Operations**

- (a) No person shall commence diving operations within the harbour without prior permission being obtained from the Harbour Master.
- (b) Before any diving operation takes place the diver must complete and return to the Harbour Master a permit to dive form, which is available from the Harbour Office.
- (c) All commercial diving operations must be carried out in accordance with the current Diving at Work Regulations and the appropriate approved Code of Practice.

**69. No Dragging or Grappling Without Permission**

A person shall neither drag or grapple for any material or article nor remove the same from the bed of the waters of the harbour without having first obtained the permission of the Harbour Master.

**70. Laying Down Moorings, Buoys, or other Similar Tackle**

- (a) No person shall lay down any moorings including buoys or similar tackle without the prior written consent of the Harbour Master and only in accordance with such conditions as the Harbour Master may impose.
- (b) Such moorings shall forthwith be removed by its owner or any person claiming possession of it if the Harbour Master so directs.
- (c) If the owner of any such mooring fails to comply with any direction of the Harbour Master to move or remove the such mooring, the Harbour Master may



on giving, where reasonably practicable, seven days' notice to the last known address of the owner, take such reasonable steps as he may think fit for the purpose of moving or removing such mooring.

**71. Dumping in Harbour Waters Prohibited**

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

**72. Restrictions on Provision of Towage Services**

A person shall not without the prior permission the Harbour Master use or cause to be used any vessel for the purposes of towing any vessel other than a small craft within the harbour.

Provided that in the case of any vessel forced by stress of weather or other cause to enter the harbour such vessel may be towed by any other vessel whose master obtains the permission of the Harbour Master in that respect.

**73. Unauthorised Exhibitions Prohibited**

A person shall not hold an exhibition of vessels or of sub-sea equipment within the harbour without the consent in writing of Wick Harbour Authority requested at least 14 days in advance, which consent may be given subject to conditions.

**74. Restriction of Access to Harbour Works**

A person shall not, except when authorised by Wick Harbour Authority, enter on any part of the harbour works or any building thereon belonging to or occupied by the Harbour which by notices, barricades or other means is indicated as being closed to the public.

**75. Interference with Harbour Operations Prohibited**

A person shall neither interfere nor cause interference with the maintenance and operation of the harbour nor obstruct nor impede nor cause an obstruction or impediment to the movement and operation of cranes or other plant and vehicles belonging to or under the control of the harbour authority.

**76. Interference with Vessels' Moorings Prohibited**

A person shall neither set any vessel adrift nor interfere with the moorings of any vessel moored or berthed in the harbour.

**77. Defacement of Property Prohibited**

A person shall neither deface any part of the harbour works or any building thereon, nor any harbour equipment or vehicle, nor shall he display any poster, slogan or representation on any part of the harbour works, or building except with the written permission of Wick Harbour Authority.

**78. Loitering Prohibited**

Any person loitering in any part of the harbour works shall leave the same when ordered to so do by a police officer or any other person authorised under this Byelaw by the Harbour Master of directive of Wick Harbour Authority.

**79. Climbing on Harbour Buildings/Equipment Prohibited**

A person shall not without the permission of the Harbour Master climb or be upon any building, plant or equipment belonging to or in the service of Wick Harbour Authority and situated on the harbour works and shall not go or be upon any of the piles in front of or under the quays or wharves, or on any of the buoys or painting punts in the harbour.

**80. Breaking up of Vessels**

A person shall neither break up nor cause to be broken up within the harbour area any vessel or any part of any vessel, whether such vessel or part thereof be afloat, stranded,

sunk, abandoned, or derelict, without prior permission in writing from Wick Harbour Authority; and such permission may contain such conditions regarding complete removal and such other conditions as Wick Harbour Authority think fit.

**81. Unauthorised Trading Prohibited**

A person shall not expose for sale or sell any goods on any part of the harbour works without the prior permission of Wick Harbour Authority.

**82. Unauthorised Boarding of Vessels Prohibited**

A person shall not proceed on board nor remain on board a vessel in the harbour, except on official business, unless with the express permission of the master of the vessel who shall be responsible for the orderly conduct of such a person.

**83. Use of Life-saving Equipment**

A person shall not except in cases of emergency and for the purposes of saving life throw any life-saving equipment or life-belt into the waters of the harbour.

**84. Exhibition of Documents**

The owner of a vessel shall exhibit to the Harbour Master documents of ownership; seaworthiness and insurance, on demand or where the same are not instantly available exhibit them at Wick Harbour Office within fourteen days.

## **PART VIII POWERS OF POLICE AND PENALTIES**

**85. Police Powers**

Without prejudice to any other statutory powers, a police officer shall have power at all times to enter into and upon every vessel lying in any part of the harbour, and into every part of every such vessel, for ensuring that the requirements necessary for the purpose of preventing fires and other accidents and preserving peace and good order on board any such vessel, are complied with and for the effectual prevention of any offence under the law of Scotland (including without prejudice to the generality, any offence under these Byelaws) which he has cause to suspect is about to be committed within the harbour or such vessel, and also to take charge of all property suspected to be stolen; and the master of every vessel in the harbour shall give free access to all parts of such vessel for the purposes aforesaid.

**86. Fixed Civil Penalties**

(a) A notice of Fixed Civil Penalty may be issued by

(i) The Harbour Master;

(ii) Any person authorised by the Harbour Master to issue such notices;

and shall specify the number of Byelaw breached for which the notice is issued.

(b) All Fixed Civil Penalties shall be paid to the Authority at the Harbour Office. A receipt shall be issued by the Harbour office following receipt of cleared funds.

(c) Where any person does not accept a Fixed Civil Penalty as having been properly issued, they may elect in writing within 28 days of issue of the Fixed Civil Penalty notice to refuse payment and to have the alleged breach of Byelaw tried as a summary offence. In the event of being convicted they shall be liable to a fine not exceeding level 3 on the Standard Scale for each offence.

(d) Where a person neither elects refuse payment of a Fixed Civil Penalty notice, nor pays the same within 28 days of issue, the Authority may enforce payment of the same as a debt due, together with interest thereon and legal expenses, by way of the civil courts.

- (e) The level of a Fixed Civil Penalty shall be:
- (i) fixed by direction of the Harbour Authority; for each Byelaw for which the provision of a Fixed Civil Penalty applies, or where not otherwise fixed, be Forty Pounds per offence;
  - (ii) be not more than the maximum fine that could be charged on level 2 on the Standard Scale;
  - (iii) displayed by means of public notice in the Harbour Office and at such other locations as the Authority shall order.

#### **87. Penalties**

- (a) Any person who contravenes or otherwise fails to comply with any of these Byelaws or any condition, requirement or prohibition imposed by the Harbour Master, or by an authorised officer, as the case may be, in the exercise of the powers conferred upon him by these Byelaws shall be guilty of an offence and liable, on summary conviction to:
- (i) such specific provision as may be specified by such Byelaw, condition, requirement or prohibition; or
  - (ii) where no provision is specified to a fine not exceeding level 3 on the Standard Scale for each offence.
- (b) Where the commission by any person of an offence under these Byelaws is due to the act or default of some other person, that other person shall be guilty of an offence; and 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.
- (c) In any proceedings for any offence under these Byelaws, it shall be a defence for the person charged to prove:-
- (i) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or that
  - (ii) he had a reasonable excuse for this act or failure to act.
- (d) If in any case the defence provided by paragraph (c) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

#### **88. Use of Harbour Facilities may be Suspended**

Permission to operate and/or use harbour facilities may be suspended by the Harbour Master until satisfied the offending party has remedied the contravening offence and undertakes to comply with Byelaw provisions.

## **PART IX CROWN ESTATE**

#### **89. Rights of Crown Estate**

Nothing in these Byelaws shall interfere with any rights of whatsoever description in land or interest in land including any portion of shore or sea bed belonging to Her Majesty and under the management of the Crown Estate Commissioners.

## **PART X REVOCATION OF PREVIOUS BYELAWS**

### **90. Revocation of Previous Byelaws**

All previous Byelaws made by the Wick Harbour Authority in relation to any of the harbour areas are hereby revoked as at the date of coming into effect of these byelaws.

Signed for and on behalf of Wick Harbour Authority by the Harbour Secretary, the firm of Highland Law Practice, 99 High Street, Wick at Wick on the Seventeenth day of October Two thousand and seven, conform to authorisation granted at the Meeting of Wick Harbour Board on the Twenty-fourth September Two thousand and Seven; the said firms name being adhibited by Patrick Stephen Alexander Copinger, Solicitor, a Partner of the firm.  
Given under the Common Seal of the Wick Harbour Authority on the

Harbour Secretary

The foregoing byelaws confirmed by virtue of Section 85 of the harbours, Docks and Piers Act 1847.

Sheriff Berry  
Wick Sheriff Court

11<sup>th</sup> December 2007