

EAST LoTHIAN COUNCIL

MANAGEMENT RULES FOR NORTH BERWICK HARBOUR

East Lothian Council, by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 HEREBY MAKE the following MANAGEMENT RULES to regulate the use and the conduct of persons while on or in NORTH BERWICK HARBOUR:-

Interpretation

1. The Interpretation Act 1978 shall apply to these Management Rules in the same way as it applies to an Act of Parliament.
2. In these Management Rules:-
 - (a) "Harbour" means the North Berwick Harbour including the pier, quays, slipways and moorings thereof together with Galloway's Pier and the access thereto, the Low Quay and slipway and the environs of the Old Granary but excluding any area which is publicly adopted highway maintained by East Lothian Council as Highways Authority and also excluding any area in private ownership which is not owned, occupied, managed or otherwise under the control of East Lothian Council.
 - (b) "The Council" means East Lothian Council, incorporated under the **Local Government Etc (Scotland) Act 1994, John Muir House, Brewery Park, Haddington.**
 - (c) "Management Committee" means the North Berwick Harbour Management Committee appointed by the Council.
 - (d) "Harbour Master" means the Harbour Master for the Harbour appointed by the Council in consultation with the Management Committee.
 - (e) "Berth or Mooring" means the allocation for a boat or vessel of a berth or mooring in or on the Harbour at a prescribed charging rate per metre calculated in length plus beam and includes a quayside dinghy parking bay and "seasonal berth or mooring" means such allocation for a specified Summer or Winter season.
3. The Harbour Master's instructions shall be obeyed at all times in any matter concerning the Harbour.
4. The Master or owner or person having charge of any visiting boat or vessel intending to use the Harbour shall report forthwith to the Harbour Master for a berth or mooring and shall not thereafter tie up to the Harbour nor take any berth or mooring without the permission of the Harbour Master.
5. The Master or owner or person having charge of any boat or vessel intending to use a Seasonal berth or mooring in the Harbour shall apply to the Council for such Seasonal berth or mooring and once granted shall not move to any other berth or mooring without the permission of the Harbour Master.

6. No Master or owner or person having charge of any boat or vessel may use or continue to use the Harbour unless he shall have first paid the appropriate berth or mooring dues as specified from time to time by the Management Committee and approved by the Council.
7. Unless in distress no boat or vessel exceeding 14 metres in length shall be permitted to use the Harbour.
8. The Master or owner or person having charge of a boat or a vessel shall, when so required by the Harbour Master, move his boat or vessel from one berth or mooring to another, or slacken its moorings or remove it from the Harbour or do otherwise as instructed by the Harbour Master from time to time. Failure to respond to the Harbour Master's instructions for any reason shall entitle the Harbour Master to move or otherwise deal with any boat or vessel at the owner's risk and expense.
9. The Council and in the case of any visiting boat or vessel the Harbour Master shall have the right to refuse any berth or mooring on any grounds they see fit, including without prejudice to that generality the grounds of insufficient use of the Harbour by the applicants.
10. No goods awaiting the loading onto or awaiting removal after unloading from any boat or vessel shall be left lying on the Harbour, without the permission of the Harbour Master.
11. No boat or vessel may be permanently laid up, stored or otherwise kept on the pier and quays of the Harbour, without the prior permission of the Council.
12. No boat or vessel may be repaired on the pier or quays of the Harbour unless with the prior approval of the Harbour Master.
13. No vessels, spars, sails, anchors, chains, ballasts, stores, ropes, nets or any kind of fishing or sailing gear or wood or iron or other articles may be left on or adjacent to the Harbour except in places set aside for such purposes.
14. No person may deposit any dirt, litter, stones, shells, ashes, chaff, food, filth, carrion, fish, offal, rubbish or refuse of any kind on or in the Harbour.
15. All bait shall be kept in sealed containers on board fishing vessels.
16. The Harbour Master shall be an authorised officer of the Council for the purposes of Section 116 of the Civic Government (Scotland) Act 1982 and as such may:-
 - (a) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene the Management Rules, expel that person with his boat or vessel from the Harbour.
 - (b) If he has reasonable grounds for believing that a person is about to contravene the Management Rules exclude that person and/or his boat or vessel from the Harbour.

17. In terms of Section 118 of the Civic Government (Scotland) Act 1982 any person who:-
- (a) on being required to leave any land or premises by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rule applying to the land or premises, fails to leave;
 - (b) on being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any Management Rule applying to any land or premises that he is excluded from the land or premises, enters or attempts to enter the land or premises; or
 - (c) being a person subject to an Exclusion Order under Section 117 of the Civic Government (Scotland) Act 1982, enters or attempts to enter the land or premises to which the Exclusion Order relates,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 on the Standard Scale.
18. No beach launched boats, unless in exceptional circumstances, shall be permitted into the Harbour.
19. No unauthorised vehicles shall be allowed on the esplanade and no parking of any vehicles shall be allowed in the area of the esplanade.
20. All boats or vessels moored in the Harbour must have a minimum of third party insurance. Documentary evidence of such insurance must be available for inspection by the Harbour Master on request by him.
21. The previous North Berwick Harbour Management Rules dated 24th October 1995 are hereby repealed.

The foregoing Management Rules were made by East Lothian Council at their meeting in Haddington on 18 April, 2006.

Council Solicitor