

EAST LOTHIAN COUNCIL
COCKENZIE HARBOUR, COCKENZIE
HARBOURMASTER: ALEX STEWART
Contact No: 0777 646 7446

USER RULES AND REGULATIONS

The Harbourmaster appointed by East Lothian Council shall exercise the powers of general supervision on behalf of the Council and his instructions must be obeyed.

All persons visiting or using any part of the Council's premises or facilities within the Harbour for whatever purpose do so at their own risk

No animal taken abroad may be brought into the Harbour

All persons are required to behave in such a way as not to cause offence to others including no operation of noisy, noxious or objectionable engines, radios, other apparatus or machines

Every effort must be made to minimise noise from halliards and rigging

In view of the proximity of rabies in Europe the Council may at any time and without prior notice require that all dogs and other animals are removed from the Harbour

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.

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.

Vessels and Berths

- 1 All vessels and vehicles in or on the Council's harbour or premises may be moved by the Council to any other part of the Harbour or premises.
- 2 The vessel shall be berthed or moored by the Master in such a manner and position as the Council may require. All necessary warps and fenders shall be provided by the Master.
- 3 Berths may be rented for the periods published by the council from time to time.
- 4 Berths rented will be calculated by reference to the councils published charges.
- 5 Vessels shall not be used for permanent residential purposes
- 6 All vessels are to be maintained in a seaworthy condition
- 7 The Council has the right to exercise a general lien upon any vessel and/or his gear and equipment whilst in or upon premises or afloat at any berths until such time as any money due to the council in respect of the vessel and/or gear whether on account of rental, storage or berthing charges, landing dues, work done or otherwise shall be paid
- 8 The Council shall not be liable for any loss, theft or any other damage of whatsoever nature caused to any vessel or vehicle or other property of the owner or others claiming through the owner except to the extent that such loss, theft or damage may be caused by negligence or wilful act of the Council or those for whom the Council is responsible
- 9 All vessels must be equipped with adequate firefighting equipment as recommended by the Royal Yachting Association and the Department of Trade and Industry in the R.Y.A Publication G9 or required by law
- 10 Petrol and other inflammable substances shall not be stored on a vessel except in a receptacle specifically constructed for such purposes
- 11 Smoking and naked lights are strictly forbidden in the refuelling area. Engines must be switched off when refuelling
- 12 A speed limit of three knots applies to all vessels under power within the harbour and no vessel shall be navigated at such a speed or in such a manner as to endanger or inconvenience other vessels in the Harbour
- 13 The Council shall have the right to moor, re-berth, board, enter or carry out any emergency work on a vessel, if in the Council's opinion such be necessary for the safety of the vessel or the safety of the vessel or the safety and/or convenience of other users of the Harbour, or for the safety of the Council's premises, plant and equipment and the Master shall pay the Council charges for such work

- 14 Tenders must not be left in the water or on the quaysides, jetties, slipways, or pontoons when not in use but must be stowed aboard the parent vessel unless a berth is separately provided or an area for the parking of tenders is designated by the Council
- 15 No items of boats, gear, fittings or equipment, supplies, stores or the like shall be left upon the quaysides, walkways, jetties, slipways, pontoons or car parks without written permission of the Council
- 16 Vessels must be moored in such a way as not to overhang or obstruct other berths, jetties or pontoons
- 17 The Council request berth holders to assist in the maintenance of adequate security within the Harbour by securely locking their vessels when not in use and storing below where possible, valuable equipment. All berth holders are also requested to assist in maintaining a high standard of security by reporting any suspicious circumstances to the Harbourmaster.

Breach of Regulations including non-payment of fees

- 1 In the event of a berth holder failing to pay timeously the annual charges, East Lothian Council shall be entitled to terminate the Mooring/Dinghy parking Bay, forthwith.
- 2 The council will have the right (without prejudice to any other rights in respect of breaches of these Rule and Regulations by the Master) to terminate the licence or lease granted to the Master in the event of any breach by the Master of these rules and regulations, or the conditions of the licence or lease.
- 3 If the breach can be remedied the council may serve notice on the Master specifying the breach and requiring him to remedy it within 14 days.
- 4 If the Master fails to remedy such a breach or the breach is not capable of remedy, the council may serve notice on the Master specifying the breach (when not already specified) and requiring him to remove the vessel within 28 days, at the expiration of which the Master shall remove the vessel from the Harbour.
- 5 The council shall refund to the master the unexpired portion of the licence fee or rent subject to a right of set-off in respect of any damage suffered by the council as a result of a breach of these Rules and Regulations or the conditions of the licence or lease by the Master.
- 6 If the Master fails to remove the vessel on termination of the licence or lease (whether under this Clause or otherwise), the council shall have the right to remove the vessel from the Harbour and there upon may secure it elsewhere and charge the Master with all costs arising out of such removal including alternative berthing fees.

Pollution and Waste Disposal

The Harbour is subject to the Control of Pollution Act 1974, the Dumping at Sea Act 1974 and the Preservation of Oil Pollution Act 1971, copies of which are available in the Harbourmasters Office. Masters and users of the Harbour will be accountable in full for any breach of these acts.

- No refuse shall be left on the quayside, pontoons, jetties, slipways or car parks or dispose of in any way other than in the receptacles provided by the council.
- Refuse, galley waste, effluent and sewage must not be discharged into the Harbour. Toilets not connected to a sewage holding tank must not be used.
- Oil, Fuel or foul bilge water must not be discharged into the Harbour
- There are no noxious liquids or sewage handled at the Harbour
- Owners should dispose of any waste oil/industrial grade waste at public waste reception facilities: East Lothian Council at Macmerry; Edinburgh City Council at Seafield.
- All other waste or garbage should be disposed of in the litter bins provided

These Rules and Regulations must be observed by all persons using or visiting the Harbour any may be altered or amended from time to time by the Council. Upon such notice of amendment being displayed on the Harbour Notice Board and served on the Master it shall be deemed to be incorporated in the licence or lease granted to the Master at the expiration of 14 days from the date of the notice.

All persons visiting or using any part of the Council's premises or facilities within the Harbour for whatever purpose do so at their own risk unless any injury or damage to person or property sustained within the Harbour was caused by or resulted from the Council's negligence or deliberate act of that those for whom the Council is responsible

For the purpose of this information "Master" shall include owners, charterers, licensees, any authorised agent of the Master or other person for the time being lawfully in charge (other than the Council) of the vessel.