



Harbour Rules 2024 (Valid from 1 April 2024)

1. Introduction

These Rules for the operation and use of the harbour (hereafter referred to as the Rules), adopted by the Cromarty Harbour Trust (CHT), are intended to govern the activities of harbour users and visitors to ensure that the harbour operates efficiently and safely. The Rules may be updated from time to time by CHT.

The Interpretation Act 1978 shall apply to these Rules.

2. Definitions

In these Rules:-

- (a) "Trust" means the Cromarty Harbour Trust and its appointed representatives.
- (b) "Harbour" means Cromarty Harbour, including the piers, quays, pontoon, slipways and berths, together with the surrounding sea below High Water within a distance of 200 yards radius from the most northerly point of the Admiralty pier (this part hereafter referred to as the area of jurisdiction) but, excluding any area which is publicly adopted highway maintained by The Highland Council.
- (c) "Harbour Basin" means that part of the harbour between the North and South piers and the Admiralty pier.
- (d) "Mooring" is an installation by means of which a vessel is made secure while afloat in the area of jurisdiction.
- (e) "Harbourmaster" means the Harbourmaster for the harbour (or their designee) appointed by CHT.
- (f) "Berth" means the space for a vessel in the harbour basin allocated by CHT for either the Summer or Winter season at a prescribed charging rate.
- (g) "The person having charge of a vessel" means the owner, or master, or skipper, or other person responsible, for the time being, for the operation and conduct of the vessel and crew.
- (h) "vessel" means any boat, ship, or marine craft, but excludes tenders for gaining access to/from vessels anchored or moored out with the harbour basin.

3. The Harbourmaster

- 3.1. The Harbourmaster shall be an authorised officer of CHT for the purposes of Section 116 of the Civic Government (Scotland) Act 1982.
- 3.2. The Harbourmaster oversees the day-to-day operations/activities in the harbour according to these Rules. Harbour users and visitors must respect the Harbourmaster's decisions and/or instructions and act on these as required.
- 3.3. The Harbourmaster shall keep a register of all contraventions of these rules and report them monthly to CHT.

4. Queries and Complaints

- 4.1. Any queries regarding the Rules should be directed, initially, to the Harbourmaster. Any unresolved queries or any complaints about the Rules or their application or enforcement should be submitted in writing or by email to the Clerk to Cromarty Harbour Trust whose contact details are available on the harbour notice board and CHT's website at cromartyharbour.org.

5. Applications for Berths including insurance and other requirements

- 5.1. CHT offers seasonal berths (Winter & Summer). Winter is the period from 1 October to 31 March and Summer is the period from 1 April to 30 September. Berths may also be offered on an Annual or Ad hoc basis at the discretion of CHT.
- 5.2. CHT shall maintain a register of berths and a Waiting List for berths.
- 5.3. CHT retains ownership of the berthing space at all times.
- 5.4. The person having charge of any vessel wishing to use a berth shall apply or, if an existing berth holder, indicate to CHT for such berth and once granted shall not move to any other berth without the agreement of the Harbourmaster.
- 5.5. Existing berth holders should indicate their intention to take up their previous berthing position 30 days prior to the commencement of the season as indicated in 5.1. If the existing holder has changed their vessel from that previously registered with CHT, they should in the first instance discuss the matter with the Harbourmaster to see if the existing berthing position can still be accommodated. CHT does not guarantee any accommodation in the event of the Applicant changing vessels, whether at the beginning or during a season.
- 5.6. Berth holders should give notice to the Harbourmaster when they intend to launch their vessel for the season. Further, should berth holders remove their vessel during the season they should inform the Harbourmaster when they intend to exist and we they expect to return. Likewise at the end of a season, berth holders should inform the Harbourmaster that they have exited for the season.
- 5.7. During vacant periods, CHT reserve the right to place other vessels in a berth holder allocated space.
- 5.8. Tenders can only be kept in the harbour throughout the season if a berth specifically for the tender has been applied for, allocated and paid for.
- 5.9. Any vessel berthed in the harbour must have, as a minimum, third party insurance of £1,000,000 in respect of the vessel. In addition, the insurance must cover the cost of recovery of the vessel in the event of it sinking.
- 5.10. No berth will be offered unless a copy of the current insurance certificate is exhibited to the Harbourmaster, along with the application or renewal for a berth.

5.11. If the current insurance cover expires during the berthing season, it is the responsibility of the person in charge of the vessel to ensure that the certificate of renewal is exhibited to CHT.

5.12. In the case of vessels carrying passengers commercially and fishing vessels, the applicant must, in addition to the relevant insurances, exhibit the relevant licences and regulatory authorisations along with the application for a berth.

6. Payment of Accounts

6.1. CHT charges berthing fees for the use of all allocated berths in the harbour and may charge any harbour user for the use of any facilities or services made available by CHT. A schedule of CHT's current charges, together with its terms and conditions for payment are displayed on the harbour notice board and on CHT's website. Harbour users will be invoiced for the appropriate amount based on the berthing position and size of their vessel. Payment should be made no later than the due date as shown on the invoice or on taking up the berth position, if earlier.

6.2. Non-payment of the berthing fee for a vessel by the due date will result in the person in charge of that vessel being billed an additional late payment fee of 10% applied to their invoice as per 6.1.

6.3. In the event of any outstanding berthing fees (including late penalty fee) not having been paid within 60 days of their due date, CHT shall serve a formal notice upon the person in charge of the vessel to that person's last known permanent address or email address cancelling the vessel's berth.

6.4. If for whatever reason and at any time, the vessel is found to be in berth in the harbour without CHT's formal approval, it will be removed from the harbour within 21 days of the date of posting of the notice and in the event of non-compliance CHT may dispose of the vessel as it sees fit, applying the proceeds towards outstanding charges (including a further additional penalty fee of 15% of the original invoice as per 6.1) and costs of disposal of the vessel, without prejudice to the right to recover any outstanding charges against the person in charge of the vessel for all costs, dues and charges incurred up to the date of disposal and/or storage of the vessel.

6.5. All invoices must be paid in accordance with CHT's terms and conditions. An administration charge of 20% of the total amount owing to CHT by the person in charge of the vessel will be payable by any such person whose outstanding debt is referred to CHT's debt collection agency.

7. Hazards and Risks

7.1. CHT regularly conducts a review of the hazards and risks around the harbour to ensure the safety and safety of all users. Should you wish to notify CHT of any risk, accepting that we may already be aware of any such hazard, please contact the Harbourmaster.

8. Safety

8.1. All activities in the harbour, including aboard vessels, must be conducted in accordance with relevant Health & Safety requirements.

8.2. CCTV cameras are mounted around the harbour as part of security measures to protect facilities, boats and equipment, and more generally, pedestrians and instillation adheres to the SCC Data Protection Code of Practice.

- 8.3. Access to the pontoon and fingers is via a key coded security gate, the code for which is regularly changed by the Harbourmaster. Harbour users are expected to ensure the gate is closed after transit to prevent unauthorised public access.
- 8.4. All persons using or visiting any part of the harbour for whatever purpose do so at their own risk.
- 8.5. Fishing, paddling, swimming and diving are not permitted in the harbour entrance and are only permitted in the harbour basin with the prior agreement of the Harbourmaster.
- 8.6. All vessels using the harbour must be seaworthy in accordance with MCA or RYA best practice guidance.
- 8.7. The person in charge of a vessel must supply contact names for that vessel (name, address, email, mobile phone, home phone) including the owner and two other reliable people close by, so that in the event of extreme weather or other emergency, the Harbourmaster can contact them regarding any actions which might be urgently required.
- 8.8. All vessels must be equipped with firefighting and safety equipment in accordance with UK Merchant Shipping regulations or, in the case of small vessels, MCA or RYA best practice guidance.
- 8.9. Petrol and inflammable substances shall not be stored in a vessel except in a receptacle specifically constructed for such purposes and securely stowed in a properly ventilated location. Smoking and naked lights are strictly forbidden in the refuelling area. Engines must be switched off when refuelling.
- 8.10. Explosives, other than safety flares, are prohibited in the harbour.
- 8.11. A speed limit of three knots applies to all vessels and tenders under power in the harbour basin and in the vicinity of the harbour entrance and no vessel shall be navigated anywhere in the harbour at such a speed, or in such a manner, as to endanger or inconvenience other vessels. The Seaman's "Rules of the Road" shall apply.
- 8.12. A person shall not navigate any vessel in the harbour whilst unfit to do so through having taken drink, or drugs or for any other reason. For the purpose of this rule, a person shall be taken to be unfit to navigate if his ability to navigate is for the time being impaired.
- 8.13. Only authorised vehicles shall be allowed on the harbour.

9. Environment and Waste

- 9.1. The harbour is subject to the Control of Pollution ACT 1974, the Dumping at Sea Act 1974, and the Preservation of Oil Act 1971. Users of the harbour will be accountable for any breach of these Acts caused by their activities.
- 9.2. All activities in the harbour, including aboard vessels, shall be conducted so as to avoid, as much as is reasonably practical, damage to the environment. CHT supports The Green Blue environment awareness programme promoted by the RYA and British Marine and expects all harbour users to act in accordance with its guidance.
- 9.3. Normal maintenance work on vessels in the harbour is permitted. Major repairs may be permitted at the discretion of the Harbourmaster, subject to prior application & written approval of the method of working.
- 9.4. Decommissioning of vessels in the harbour by any means is prohibited.

- 9.5. Noisy harbour activities, including work on vessels in the harbour, that risk causing a nuisance to surrounding properties, must be carried out only between the hours of 0800 and 1900 unless with the prior written approval of the Harbourmaster.
- 9.6. No vessel may be repaired on the pier, pontoon or quays of the harbour unless with the prior written approval of the Harbourmaster.
- 9.7. No vessel may be permanently laid up, stored or otherwise kept on the piers, pontoon and quays of the harbour, without the prior written approval of the Harbourmaster.
- 9.8. No equipment or goods awaiting loading or awaiting removal after unloading from any vessel shall be left lying on the piers, pontoon and quays so as to block access, or cause danger to property, or persons. and must be removed immediately if so directed by the Harbourmaster.
- 9.9. No person may deposit any dirt, sewage, litter, stones, shells, ashes, chaff, food, filth, carrion, fish, offal, oil, rubbish or refuse of any kind on or in the harbour.
- 9.10. No apparatus concerned with the catching or keeping of marine creatures shall be installed in the harbour.
- 9.11. All bait shall be kept in sealed containers on board vessels.
- 9.12. Vessels must not be berthed for permanent residential purposes.

10. General Conduct Rules

- 10.1. Visiting vessels must contact the Harbourmaster on or before arrival in the harbour to obtain berthing instructions. CHT will endeavour to ensure that a visitors' berth is normally available on the pontoon.
- 10.2. CHT and, in the case of any visiting vessel, the Harbourmaster, shall have the right to refuse any berth if they have reasonable grounds for believing that to allow otherwise would be to the detriment of the harbour and other users.
- 10.3. Vessels shall be berthed according to the Harbourmaster's directions and must not obstruct other berths. The vessel shall be secured using its own fenders & warps; bow, stern and springs. At all times, it is the responsibility of the person in charge of the vessel to ensure the adequacy of its securing arrangements.
- 10.4. Tenders must not interfere with navigation in the harbour, nor obstruct berths, or access on the piers, pontoon and quays. Tenders for transferring to/from vessels on moorings can use the pontoon to load/unload providing they do not block allocated berths.
- 10.5. The person in charge of a vessel shall, when so required by the Harbourmaster, move their vessel from one berth to another, or slacken its moorings or remove it from the harbour, or do otherwise, as required by the Harbourmaster.
- 10.6. CHT reserves the right to move any vessel from one berth to another in the harbour.
- 10.7. The person in charge of a vessel will be responsible for the conduct of and fully accountable for any loss, injury or damage, or nuisance caused or committed by their crew, agents or guests while on board a vessel or in the harbour.
- 10.8. Anchoring in the harbour basin is prohibited except in an emergency and, in such event, the person in charge must notify the Harbourmaster immediately and act promptly as instructed.
- 10.9. If at any time a vessel or its equipment fouls any moorings or infrastructure in the harbour the person in charge of the vessel shall immediately inform the Harbourmaster and shall await his instructions before attempting to clear the same.

- 10.10. No unauthorised person shall cut, break or destroy any rope, cable or other thing by which any vessel is moored or secured in the harbour.

11. Salvage

- 11.1. CHT shall not be under any duty to salvage, or preserve, any vessel or other property from the consequences of any defect in the vessel or property concerned. Similarly, CHT shall not be under any duty to salvage, or preserve, any vessel or other property from the consequences of an accident which has not been caused by CHT.
- 11.2. However, CHT reserves the right to do so in any appropriate circumstances, particularly where a risk is posed to the safety of people, property, or the environment. Where it does so it shall be entitled to charge the owner of the vessel concerned for all costs incurred directly, or indirectly and, where appropriate, to claim a salvage reward.

12. Additional rules for Anchoring, or Mooring, within the area of jurisdiction

- 12.1. The Rules in Sections 1 to 10 will also apply, generally, to vessels anchored or moored within the area of jurisdiction.
- 12.2. Anchoring or mooring in the vicinity of the harbour entrance is prohibited.
- 12.3. Elsewhere within the area of jurisdiction CHT will determine where moorings can be located.
- 12.4. CHT, may, at its discretion, authorise the installation of a mooring for a vessel but only upon receipt of an application by the person in charge of the vessel and upon payment of all relevant charges. In addition, the applicant must exhibit, as part of their application, confirmation that the vessel's insurers have approved the design and specification of the mooring.
- 12.5. Every mooring must be inspected annually and any parts that are damaged or worn must be repaired or renewed.
- 12.6. No apparatus concerned with the catching or keeping of marine creatures shall be installed within the area of jurisdiction.