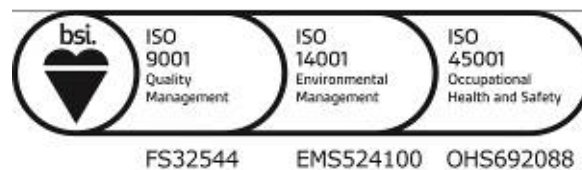


GENERAL DIRECTIONS FOR NAVIGATION

2009



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LERWICK HARBOUR

GENERAL DIRECTIONS FOR NAVIGATION

Lerwick Port Authority, in exercise of the powers contained in the Lerwick Harbour Acts and Orders 1877-2007 (hereinafter referred to as “the Acts and Orders”) do hereby give the following directions.

PART I – PRELIMINARY

Title and commencement

1. These directions may be cited as the Lerwick Harbour General Directions for Navigation 2009 and shall come into operation on the Nineteenth day of May 2009.

Application

2. These directions shall apply to all parts of the Port and Harbour of Lerwick as defined in the Acts and Orders (“the Harbour”), and any future Acts and Orders. Nothing in these directions shall be deemed to apply to vessels and servants of Her Majesty or her allies engaged in operations for defence purposes, (as to which the Queens’ Harbourmaster, Rosyth, shall be the sole judge).

Interpretation

3. In these directions, unless the context otherwise requires, the following words and expressions have the meanings hereby respectively assigned to them:

“**the Authority**” means Lerwick Port Authority as defined by the Acts.

“**Collision Regulations**” means the International Regulations for Preventing Collisions at Sea 1972 as amended, made under section 21 of the Merchant Shipping Act 1995 and any amending Acts and Orders.

“**fairway**” means a waterway which is a regular course or track of shipping.

“**goods**” means all articles and merchandise of every description and includes fish, livestock and animals.

“**the Harbourmaster**” means the person appointed as such pursuant to section 2 of the Harbour Docks, Piers Clauses Act 1847 and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity.

“**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 goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons 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.

“**the North Harbour**” means that part of the sea of Lerwick Harbour lying to the north of a line drawn from the north west point of North Ness, Lerwick on a bearing of 068 degrees true to a point at the level of high water at the Island of Bressay and to the south of the North Harbour limits.

“**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.

“**regulated vessel**” means every vessel having a gross registered tonnage of more than 50 tonnes and every vessel licensed to carry passengers.

“**vessel**” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

PART II – NAVIGATION IN HARBOUR

Application of Collision Regulations

4. The Collision Regulations shall apply to vessels within the jurisdiction of the Authority, but subject to the other provisions of these directions.

Vessel movements

5. The Master of a seagoing vessel shall give prior notice to the Harbourmaster of the vessel’s arrival at, departure from or movement within, the Harbour.

Declaration of particulars of vessel

6.
 - a) The Master of a vessel arriving at the Harbour shall, if required by the Harbourmaster, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draft of the vessel, its last port of call, ownership, destination and particulars of its cargo.
 - b) The Master of every fishing vessel who intends to trans-ship the catch of said vessel within the Harbour shall, before doing so, notify the Harbourmaster of this intention and shall furnish him with particulars of the carrying vessel and of the catch of said fishing vessel.

Fishing in fairway(s) prohibited

7. No person shall engage in fishing activities within any fairway or approaches

Vessels to navigate with care

8. 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 or cause injury to persons or cause damage to property or discharging of vessels or with moorings, foreshore or other property.

Master to remain on bridge

9. The Master of a power-driven vessel underway shall either:
 - a) Be on the bridge or at the control position of the vessel; or
 - b) Ensure that there is on the bridge or at the control position a member of crew who is capable of taking charge of the vessel and, when a pilot is on board, is capable of taking and acting upon the pilot’s advice for the conduct of the vessel.

Small vessels not to obstruct deep water channel

10. The Master of a small vessel whether under power or under sail that is not confined to a deep water channel shall not make use of that channel so as to cause obstruction to other vessels which can navigate only within that channel and shall give such vessels a clear passage and as wide a berth as safe navigation requires.

Vessel to have competent helmsman

11. The Master of a vessel shall ensure that it is steered at all times by a person competent to do so and no automatic devices or equipment shall be used for steering purposes unless attended by a competent helmsman.

Anchorage

12.

- a) Every vessel anchoring in the Harbour from Twageos Point northward shall leave clear space of no less than 330 metres distant from Victoria Pier, Breakwater and Alexandra Wharf, i.e. to the west of a line Loofa Baa Beacon bearing 317 degrees true.
- b) No vessel shall anchor in the North Harbour to the south of a line Loofa Baa Beacon bearing 068 degrees true.

Lookout

13. The Master of a vessel underway in the Harbour shall ensure that a proper and efficient all-round lookout is maintained.

Notification of collisions, etc.

14. 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 deep water channel:- shall forthwith report the occurrence to the Harbourmaster (and as soon as practicable thereafter provide the Harbourmaster with full details in writing) and 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 that channel or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbourmaster.

Vessel to keep clear of deep-water channel

15. A vessel which is not confined to a deep-water channel by reason of her draught shall keep clear of a deep-water channel when necessary to avoid impeding the movement of a vessel which is proceeding in, and by reason of her draught, is confined to that channel.

Vessels adrift

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

Unseaworthy vessels

17.

- a) No Master shall cause a vessel to navigate the Harbour in an unsafe or unseaworthy condition except as may be necessary in the interests of the safety of such vessel and of her crew.
- b) For the purpose of this direction a vessel is in an unsafe or unseaworthy condition if its presence in the Harbour might involve:

- I. Grave and imminent risk to the safety of other users of the Harbour; or
- II. Grave and imminent risk that the vessel may, by sinking or foundering in the Harbour, prevent or seriously prejudice the use of the Harbour by other vessels.

PART III – BERTHING AND MOORING

Provision of proper fenders

18. The Master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their vessel and, when berthing and leaving or lying at a quay 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

19.

- a) The Master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay and should comply with such directions concerning the number, size and position of the mooring as the Harbourmaster may give.
- b) The Master of a vessel lying or moored at any quay shall during the hours of darkness exhibit on the outside of the said vessel a white light. Provided that in the event of there being two or more vessels lying or moored as aforesaid in a tier; the outermost vessel of said tier shall exhibit the said white light.
- c) The Master of a vessel which is moved from its moorings (in a tier of vessels) must ensure that the moorings of any other vessel disturbed in the process are made safe.
- d) The Master of a vessel shall at all times during the hours of darkness keep the hatches of said vessel closed. Provided however that it shall not be an offence against this direction if either of the following conditions is observed:
 - I. During said hours the vessel is in course of being loaded or unloaded; or
 - II. At all times during said hours there remains onboard said vessel a person responsible for the guarding of said open hatches.
- e) Save insofar as is necessary for the purpose of embarking or disembarking or the loading or unloading of goods and cargo the Master of a vessel lying or moored at any quay shall ensure that no small boats, anchors or other gear shall project beyond the hull of the said vessel.

Use of propulsive machinery while vessel is moored or berthed

20. The Master of a vessel which is at any quay or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the seabed or shoreside of the Harbour or to any other vessel or property. The Harbourmaster's permission must be obtained prior to running propulsion system(s).

Sufficiency of crew

21. Except with the permission of the Harbourmaster, 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:

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

Vessels moored

22. A vessel moored in any part of the Harbour, other than an area designated as a small craft mooring area by the Harbourmaster, shall cause to be exhibited the lights or shapes required by the Collision Regulations.

Vessels to be kept in a moveable condition

23.

- a) The Master of a seagoing vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the Harbourmaster 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 Harbourmaster forthwith and give to him any further information which the Harbourmaster may reasonable require.

Sound signals – when to be used

24. No person shall use the sound signals prescribed by the Collision Regulations or these directions on any other occasion or for any other purpose except those so prescribed or those from time to time authorised by the Harbourmaster.

Harbour lights

25.

- a) No person shall move, damage or cause to malfunction any Harbour lights, buoys, beacons or any other navigational marks exhibited by, or the property of, the Authority.
- b) The Master of any vessel running into, fouling or damaging any such mark shall as soon as reasonably practicable report the same to the Harbourmaster.

Access across decks

26. If required to do so by the Harbourmaster, the Master of a vessel on mooring alongside a quay or pier or alongside any vessel(s) already berthed within the Harbour, shall give free access across the deck of his/her vessel(s) for persons and goods to and from vessel(s) berthed alongside his/her vessel in the following manner:

- i. Safe access between vessel(s) to be provided by the respective vessel(s) with the highest freeboard.
- ii. Each and every vessel moored alongside another vessel shall as far as is reasonably practicable have a minimum of one mooring line (for and aft) to the shoreside.

Notice of escape of oil

27. The Master of a vessel from which oil or some dangerous or flammable substance is escaping, or is likely to escape, shall give immediate notice of that fact to the Harbourmaster and such a vessel outside the Harbour shall not enter the Harbour except with the consent of the Harbourmaster and in accordance with his directions.

Lost anchor, cable or propeller

28.

- 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 Harbourmaster notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbourmaster so directs shall cause it to be recovered as soon as practicable.
- b) The Master of a vessel slipping or parting from an anchor or propeller shall leave a buoif to mark the position thereof.

Regulated vessels

29. All such vessels to be equipped with VHF radio equipment and to maintain a continuous listening watch on port operation channel while in port.

PART IV – GOODS AND ROAD TRAFFIC**Precaution against goods, etc. falling into Harbour waters or the Authority's premises**

30. The Master of a vessel and a person undertaking the loading of cargo into, of the discharging of cargo from, a vessel shall use or cause to be used such methods as the Harbourmaster 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 .

PART V – GENERAL**Inspection facilities, etc., to be made available to Harbourmaster**

31. The Master of a vessel shall so far as may be required by the Harbourmaster in the exercise of his duties, afford the Harbourmaster access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Craft to keep clear of vessel carrying dangerous substances

32. Without prejudice to the requirements of the Dangerous Substances in Harbours Regulations 1987, all small vessels and pleasure craft are required to keep a minimum distance of 100 metres from any vessel displaying an all-round red light by night, or day a red flag in accordance with regulation 8 of those regulations.

Vessels not to be fumigated without permission

33. The Master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbourmaster.

Water skiing, aquaplaning, etc.

34. 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:

- a) for each person onboard a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of a type approved by the Ship and Boat Builders' National Federation, two hand-held distress signals and a fire extinguisher;
- b) for each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown rescue device.

Assistance to fire and other services

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

Fire Precautions

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

Penalties

37.

- a) Any person who contravenes or otherwise fails to comply with any of these directions or any condition, requirement or prohibition imposed by the Harbourmaster in terms

of these directions shall be guilty of an offence and be liable, on conviction before a court summary jurisdiction, to a fine not exceeding level three of the standard scale of fines referred to in section 289G of the Criminal Procedure (Scotland) Act 1975 as amended.

- b) Where the commission by any person of an offence under these directions is due to the act of 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 direction whether or not proceedings for the offence are taken against persons other than him.
- c) In any proceedings for an offence under these directions, it shall be a defence for the person charged to prove:
- i. that he took all reasonable precautions and exercised all diligence to avoid the commission of such an offence; or
 - ii. that he had reasonable excuse for his act or failure to act.

GIVEN at Lerwick this Twenty First day of April 2009.

Victor I Sandison (Member)

Henry A N Jamieson (Member)

Sandra M Laurensen (Chief Executive)