



New Rules relating to; Berthing - Moorings - Hard Standings - Management of Storage Containers - Use of Harbour supply of Electricity - Boat Owner's Use of Tenders & the Harbour Boat - Management, Maintenance and Use of Ladders & Boat Owner's Insurances - Rules Effective January 2016.

Implemented by the Port Erroll Harbour Operations Sub-Committee on behalf of the Trustees and in accordance with the Harbour's 1924 'Disposition'.

The harbour rules will be strictly enforced by the Trust. Ignoring any of the after mentioned rules could result in the immediate removal of the berth.

Definition of the titles -Berth Holders

A person who requests a Berth at Port Erroll, whose boat is a registered Fishing Boat and is fully licensed with a commercial Fishing license, will be deemed a **"Fisherman Berth Holder"**.

A Person who purchases The Heritable Rights and operates the Salmon Fishery at the Bay of Cruden and requests a berth at Port Erroll will be deemed a **"Salmon Fishery Berth Holder"**.

A person who requests a berth at Port Erroll and whose boat is not a registered fishing boat will be deemed an **"Ordinary Berth Holder"**

Berth Allocation

Berths will be allocated in the following order.

1. **"Fisherman Berth Holder 1" (FBH 1)** who resides in Cruden Bay, Hatton, Longhaven, Bullers O' Buchan and Whinnyfold & **"The Salmon Fishery Berth Holder" (SFBH)** whoever that may be
2. **"Fisherman Berth Holder 2" (FBH 2)** who resides out with Cruden Bay, Hatton, Longhaven, Bullers O' Buchan & Whinnyfold
3. **"Ordinary Berth Holder 1" (OBH 1)** someone who resides in Cruden Bay, Hatton, Longhaven, Bullers O' Buchan & Whinnyfold
4. **"Ordinary Berth Holder 2" (OBH 2)** someone who resides out with Cruden Bay, Hatton, Longhaven, Bullers O' Buchan & Whinnyfold
5. An emergency berth will be kept by the Harbour Operations Sub-Committee at all times. This berth will be used at the discretion of the Harbour Operations Sub-Committee for visiting vessels or on the request from the Oil & Gas industry at any time.
6. Berths will be allocated on an annual basis or on a frequency that may be determined from time to time by the operational status of the harbour. Allocations will be made initially by the Harbour Operations Sub-Committee and subsequently approved by the Trustees. Berths will be allocated to Fishermen, The Salmon Fishery and all other Boat owners strictly in accordance with the foregoing categorisations. The allocation will commence with the persons who were allocated berths in the previous year under the terms of **"Berth Allocations"**. If the number of requests for berths from Fisherman exceeds the number allocated to fishermen in the previous year the allocation of Berths to **Ordinary Berth holders** will be reduced by the amount required.

7. If such circumstances should arise, an **Ordinary Berth Holder** the one who was last to receive an allotted berth will forfeit the said berth to the Fisherman. As new Berth holders are allocated their berths, they will be advised by a member of the Harbour Operations Sub-Committee of the foregoing requirement and this is a condition of acceptance of a berth in the Harbour.

8. **3 YEAR RULE:-** should any berth holder use an allocated berth for a period of less than 28 days per annum over a period of 3 consecutive years, the berth will be automatically forfeited and will be offered to the first person on the waiting list in accordance with The Rules.

The person whose berth is forfeited is required to make a new application for a berth which will be placed on the waiting list.

9. An 'Ordinary Berth' holder's [Categories OBH 1 and OBH 2] Vessel must not exceed 20 feet in length.

10. Berthing Application Forms must be properly completed and returned only to the person stated on the form (and with the appropriate payment) by the 31st March each year. Berths will be re-allocated to a. n. other if payment is not made with the Application Form. Only a single named person is allowed to make an Application for a Berth and that person must be deemed to be the Owner or Company who owns the boat. If there is joint ownership of a boat or vessel, the harbour and The Trustees will only deal with the person whose name appears on the Application Form.

11. Failure to answer all of the questions properly and correctly on the application/renewal form and or failure to provide all of the documentation requested will result in no berth being allocated and or the Application being refused and any payments offered returned.

12. If the required documentation is not provided and in a manner that it cannot be subsequently authenticated by the Harbour's duly appointed persons within 28 days of the date of the application/renewal the berth will be re-allocated.

13. All fishermen Berth Holders [FBH 1 & 2] are required to submit copies of their 'Certificate of Registry', a copy of their 'License to Fish' as issued by Marine Scotland and also a copy of their 'in date' Marine Insurance Certificate at the time of Application/Renewal.

It is the duty of the Berth Holder to immediately notify the Chair of the Harbour Operations Sub Committee if there are changes to the status of the originally submitted foregoing documentation or to any expiry - lapse - revocation - withdrawal - of the Certificate of Registry, the License to Fish - The Marine Insurance cover.

Such circumstances must be notified to The Chair of the Harbour Operations Sub Committee immediately, failure to notify will mean automatic forfeiture of a Berth and any associated Storage facilities on the Harbour estate.

In 'exceptional' circumstances the Trustees may grant dispensation to this Rule. Requests for Dispensation to this Rule are required to be made in writing to the Trustees. The Trustees will in such circumstance indicate their decision in writing to the Applicant. The Trustees decision is final in this matter.

It is also a requirement for Registered Fishermen [FB1 & FB2 Categories] in accepting these Rules relating to Berths and Moorings that they note that these categories of 'Fishermen' are required to make formal Financial and Operational returns to The Trustees from time to time. This information is required by Government Departments, Funding Bodies and other Agencies.

Failure to provide such information based on a reasonable request from The Trustees will result in immediate forfeiture of all Harbour use including an allocated Berth.

N.B. 'Fishermen' should not seek a berth in the Harbour if they are unable to comply with the foregoing requirements.

14. New Applications for a Berth must be made to The Chair of the Harbour Operations Sub-Committee via the Secretary on a '**New Application for a Berth - Form**' and returned to the prescribed address. On receipt of such a completed form, The Chair will date stamp receipt of an application and categorise the applicant in accordance with the preceding Categories.

1. On Re Applying for a berth, the Secretary of the Harbour Operations Sub-Committee will advise a successful applicant of a date and time when an appropriate High Spring Tide will occur at the Harbour to allow the annual maintenance review of Berths - Moorings and Ladders to take place.
2. An invitation will be extended to all berth holders to meet at the Harbour on the prescribed date to view the state of their allocated berth and associated moorings. At this meeting, agreement will be reached with regards to what maintenance requires to be carried out and who will be responsible for ensuring that such maintenance work is properly executed to an acceptable standard and by the prescribed date."

This annual event will be conducted always at the discretion of the Trustees and will be managed by the Harbour Operations Sub-Committee. The said annual Meeting date and time will be intimated timeously to all current berth holders by the Secretary of the Harbour Operations Sub-Committee.

Non-attendance by a berth holder or nominee on the prescribed date and time for the said meeting will be taken as an agreement to carry out any remedial works as may be subsequently indicated and instructed by the Harbour Operations Sub-Committee.

1. No boats will be allowed to launch until such time as the appropriate dues have been paid and all of the required documentation has been submitted and these documents have been able to be authenticated within the prescribed period.
2. Berth holders must only use their own allocated Berth unless instructed otherwise by the Harbour Operations Sub-Committee. **A Berth holder must not assign or allow use of his/her berth to any other party without the formal written approval of the Chair of the Harbour Operations Sub-Committee.**
3. The Harbour Operations Sub-Committee must be informed of the sale of a Boat. There is no right of automatic renewal of a Berth for a new boat without the written consent from the Chair of the Harbour Operations Sub-Committee.
4. Any changes of vessel, vessel details, Certificate of Registry - License to Fish will result in the forfeiture of any Berth held and the Berth Holder having to formally re-apply, in writing, for a berth.
5. All moorings in Port Errol Harbour are the property of the Harbour except those private moorings that are already owned by existing berth holders. It is intended to phase out private moorings once those who enjoy such privileges no longer require them.
6. All boats that are granted berths should be named. If the boat is a registered Fishing Boat, the Boat should be named and numbered according to all the relevant and appropriate registration rules.
7. Any Fuel, Oil, Lubricant or contaminant spillage from a vessel in the harbour and the associated clean-up operation is the boat owner's entire responsibility. Failure to implement a proper clean-up operation in such circumstances will result in the Harbour Operations Sub-Committee taking the necessary steps to re- coup all costs arising from any cleaning up operation that may result in such circumstances.
8. Boat Owners are responsible for ensuring that their boats are pumped out regularly and all owners must not at any time place any other boat or vessel at risk while in the Harbour.
9. Should a place on a hard standing be required, then this must be advised to the Secretary of the Harbour Operations Sub-Committee as soon as is practicable and allocations will be made strictly on the basis of the date of application - requesting a hard standing. Boat owners will only be allocated a place on a hard standing providing that they have been a berth holder in the same year and thereafter on a first come basis.
10. Annual Dues for an allocated hard standing must be paid before a boat is located on a specified Area.
All boats allocated a Hard Standing require to carry in date Insurance cover while they are on the Hard Standing.
11. **Summer Hard standing applicants should remove their vessels from the Harbour Estate by 1st October of any season, unless otherwise agreed by the Harbour Operations Sub-Committee, and winter hard standing paid for.**
12. No boats must be left on a hard standing without the formal consent of the Harbour Operations Sub-Committee and the hard standing must at all times -be kept clean, tidy & free from obstructions & debris. Maintenance work on boats should not be carried out unless it is safe to do so and will not give rise to harm to any other Harbour users or members of the Public

- 13 Trailers on the Hard Standing should be marked with the Boats name.
- 14 The Safety and Security of craft located in the Harbour and on all hard standings are the entire and sole responsibility of the Owner.

Rules: Relating to Boat Owners Tenders and Use of Harbour Boat

Use of privately owned tenders within the harbour is strictly prohibited.

The harbour tender/boat must be used at all times and users/berth holders must return the tender to its moorings immediately after boarding their vessel.

There is provision for dispensation from this Rule.

Anyone wishing to seek dispensation should make a formal written request to the Chair of the Port Erroll Harbour Operations Sub Committee giving reasons why dispensation is being sought. **An applicant formally seeking Dispensation will be issued with a DA1 Form to be completed and returned as indicated.** The decision by The Chair of the Harbour Operations Sub Committee to grant dispensation or not, is final.

Harbour Electrical Supply

The harbour electrical supply is available for moderate use by berth holders and boat owners who have authorised use of the hard standing areas; always providing that all relevant harbour dues have been paid.

1. The use of The Harbour's electricity supply must always be through a personally owned and/or supplied ELCB or transformer when connected to the Harbour Supply
2. **No mains powered equipment must be left switched on and unattended at any time.**
3. The Harbour Operations Sub-Committee or Trustees do not accept any responsibility whatsoever for any accident/damage however caused when this supply is being used by a Harbour User or third party on behalf of a Harbour User.
4. The electrical cabinet has to be kept under lock and key and a key can be obtained from a member of the Harbour Operations Sub-Committee to gain entry. The electrical cabinet must be kept locked at all times when not in use and is not being overviewed by a user.

Rules: Relating to the Management and Use of Storage Containers

1. Storage Container owners must be allocated 'Berth Holders'.
2. **The Trustees can at short Notice (4 WEEKS) ask for any one or all of the storage containers to be removed from the Harbour.**
3. Storage Containers require to be maintained in a safe manner at all times and must not present a hazard to other users of the Harbour and members of the Public.

It is the responsibility of all storage unit owners to ensure compliance with all relevant Health and Safety legislation and this also applies to the storage of all plant, equipment and substances within the Storage Containers.

No combustible Gases - Butanes - Propane's - Oxygen - Acetylene or any other types of combustible gas is permitted to be stored within Storage containers unless the storage arrangements for such gases are in strict compliance with all relevant Health and Safety legislation pertaining to such gases.

If such gases are being kept in a Storage Unit the relevant warning signs and decals must be displayed prominently on the front of the Storage Unit.

4. If an Owner decides to scrap or replace a container then such matters must be done in consultation with Harbour Operations Sub-Committee prior to any change being made.
5. No change of ownership of a storage facility and/or the retention of an existing location can be formalised between Berth Holders without prior consultation and agreement of the Chair of the Harbour Operations Sub-Committee.
6. Containers cannot be sub-let or used by non-berth holders. Failure will result in the berth holder's loss of berth and removal of said container.
7. Storage Containers other than those owned by the Harbour are in the personal ownership of a Berth Holder. If an Owner decides to give up the ownership of a Container it is the owner's responsibility to follow the procedures in 5 & 6 above.
8. If an owner of a Storage Container has not been able to arrange a new owner, the current owner should make contact with The Chair of the Harbour Operations Sub-Committee and inform that the Container is available for transfer to a new owner.
9. Owners of such Containers are responsible for the security of them and the Harbour accepts no liability whatsoever for the theft / loss of the contents while located on Harbour Property.
10. Storage Container Owners should be aware that Scottish Water has 24/7 access and egress to their Pumping Station and therefore nothing must be placed in front of these Containers that might impinge on the legal agreement with Scottish Water re the Pumping Station, Pipelines and Control lines.

Rules: Relating to the Management and Use of Ladders

1. Owners of existing private ladders are entirely responsible for the Safety and Maintenance of these items of equipment. It is the intention of the Harbour Operations Sub-Committee to phase these out and replace them with Harbour ladders all with the mutual consent of the private owners
2. Should a privately owned ladder which, in the opinion of the , Harbour Operations Sub-Committee prove to be dangerous or likely to give rise to an accident or damage to a third party or boat, the owner must put in hand the remedial matters agreed with Harbour Operations Sub-Committee and by the time stipulated.
3. In exceptional circumstances the Harbour Operations Sub-Committee can instruct the removal of a private ladder either on a temporary or permanent basis.

Boat Owners Insurances

- 1 All boat owners using Port Erroll Harbour will be required to carry Marine - 3rd Party Liability insurance for all operations of their craft within the Harbour.
- 2 The minimum cover & indemnities that must be carried and maintained by boat owners when operating in the Harbour are as follows;

THIRD PARTY COVER: Cover to include;

Loss of or damage to a Third Party's vessel as a result of an accident - incident - including wreck recovery, property - third party assets, bodily injury or death to the Third Party and any other person on board the Third Party vessel with the Third Party's permission;

A minimum of £1,000,000 sterling 3rd party liability.

- 1 The Port Erroll Harbour Operations Sub-Committee or their representative, will require to have in their possession, copies of 'in date' Insurance Certificates from all Berth Holders at the time of Berth allocation and re-allocation and also those who have use of hard standings/slipping arrangements.
- 2 If a Berth Holder is having difficulty in obtaining such Insurance covers, assistance may be available from the Harbour's Insurance Broker.

General

The Harbour Operations Sub-Committee will only offer a Berth in Port Erroll Harbour subject to the following conditions:

The Harbour estate must not be used for the convening and running of subversive meetings relating to the management and operation of Port Erroll Harbour or in any way give rise to any form of obstruction of the Trustees in the course for their duties. Where evidence shows such activities have taken place, this will result in the immediate loss of use of the Harbour and any part of the Harbour estate.

Any behaviour which is deemed to be aggressive, abusive, racist or violent will, on being founded, result in the immediate loss of berth/s/ mooring/s/standing and any other use of the Harbour and its estate.

Any harbour user, including a berth holder, who demonstrates lack of competency relating to seamanship/vessel handling, will, on being founded, forfeit any use of the Harbour.

Failure to have respect for and co-operate with, other Berth holders, Harbour users and the management of the Harbour, will also result in the loss of use of the Harbour.

If any berth holder causes damage to any of the harbour infrastructure/property it will result in the immediate withdrawal of the Berth held by the offending party.

Any berth holder who notices defects or vandalism at the Harbour Estate should report the same to any member of the Sub-ops Committee.

On being offered a berth in the Harbour it is at your discretion to accept or reject the offer. If you decide to accept the offer this is then without question or complaint. It is also a tacit agreement by the allocated Berth Holder - Harbour User that they accept and are duty bound by these Rules

The Harbour Operations Sub-Committee reserves the right to take whatever action is deemed necessary to remove any vessel where anyone ignores a formally identified deadline and fails to remove a vessel from the Harbour and Harbour property.

1. Boats that are moored on a berth in the harbour are done so entirely at the owners' risk. No liability for injury or damage however caused is accepted by the Harbour Operations Sub-Committee or the Trustees.
2. These Rules will be revised from time to time by the Port Erroll Harbour Operations Sub-Committee and affirmed by the Trustees.
3. These rules will be managed on a day to day basis by the Harbour Operations Sub-Committee.

Since there is no designated Harbour Master, it has been agreed that any Berth Holders are obliged to follow the instructions and guidance of any Member of the Sub-ops Committee.

Please also refer to the abbreviated version of these Rules on the Application Forms that form part of the Management of Berthing - Moorings - Hard Standings - Management of Storage Containers - Use of Harbour supply of Electricity - Boat Owner's Use of Tenders & Harbour Boat - Management, Maintenance and Use of Ladders Boat Owner's Insurances

If there is anything you find unclear or you require further clarification of any point made, please refer such a matter directly to Mr Gavin Thain in writing, Trustee and Chair of the Port Erroll Harbour Operations Sub-Committee via the Secretary's address.

Application for a Berth or Hard Standing must be returned to the Port Erroll Harbour Operations Sub-Committee no later than the 31st March, **only if you are prepared to accept the aforementioned conditions.**

Failure to reply within the allotted time frame will result in the withdrawal of the offer and you will be required to remove your vessel from any hard standing and harbour property.

NB. During the foreseeable period of time, it is likely that significant marine and civil engineering works will require to be carried out to;

- a) Prevent further deterioration and
- b) Repair the old fabric of the harbour with new modern materials suitable for the next 100 years.

Therefore, some of these rules may require temporary modification, suspension or changed accordingly. The Trustees will seek your co-operation and understanding in such matters

Contact:

Email: info@porterroll.net or via our facebook page.