

MORAY COUNCIL HARBOURS

BERTHING POLICY FOR HARBOURS AT BUCKIE, BURGHEAD, CULLEN, FINDOCHTY, HOPEMAN AND PORTKNOCKIE (REVISED 30 APRIL 2013)

Status of policy: This policy details how the Council shall implement S 23 of the Grampian Regional Council Harbours Byelaws 1990 relating to berthing and mooring.

The Policy was approved by the Moray Council's Environmental Services Committee meeting on 1 March 2006

Anyone who wishes to berth a vessel long term in a Council Harbour shall submit a Berthing Application Form to the Harbourmaster for that Harbour. Contact details for Harbourmasters can be found in the Directory of North East Council Harbours. Allocation of berths shall be the responsibility of the Harbourmaster responsible for each harbour. The Berthing Application Form shall be in the attached style and shall be made available by the Harbourmaster.

1. The Harbourmaster shall keep a waiting list of persons who have submitted a Berthing Application Form. The waiting list may be broken down into different types of berth suitable for different types of vessel within each harbour. Each type of berth shall be allocated from the waiting list on a first come, first served basis for each type of berth, subject to payment of the appropriate berthing fee and subject to the following clauses:
2. No priority will be given to local recreational boat owners. At Buckie and Burghead harbours priority will be given to full time licensed fishing boats over recreational craft. Berths will be allocated irrespective of the owner's address, sex, marital status, colour, race, political or religious beliefs, disability or sexual orientation.
3. The Harbourmaster for each harbour shall keep a list of all vessels/owners with approved berths within their harbour area as well as a list of all vessels/owners on the waiting list. This list shall be available for inspection of anyone with an interest in the harbour area.
4. The Harbourmaster for each harbour shall keep an appropriate number of short term or visiting berths (berths available for stays of 1 week or less). These berths shall be awarded by the Harbourmaster for each harbour on a first come first served basis and shall be charged at a daily rate.
5. The Harbourmaster for each harbour shall keep a list of current charges for both long term and short term berths on public display within each harbour. These changes will be approved from time to time by the Council's Policy and Resources Committee.
6. Specific requests for berths on pontoons as opposed to quayside berths or chain berths, must wait their turn on the waiting list.

7. Where a berth is allocated but it remains unoccupied for 12 months harbour dues will be subject to a 100% surcharge.
8. If a vessel is sold, the sale does not entitle the new owner to the original berth. The sale excludes the berth. The berth is allocated to the applicant, not the vessel. The new owner must take his place on the waiting list in the usual way.
9. If a boat is replaced, the owner will continue to have first option on use of the old berth for his new vessel, provided it is an appropriate size. Where the vessel is not an appropriate size then the owner must go on the waiting list.
10. Boat Owners who occupy a berth without the consent of the harbour master will be charged the day rate, irrespective of whether or not they have paid the seasons dues.
11. Where a vessel is berthed in the harbour and the boat owner fails to return the application form within the specified time the day rate will be charged until the application form is approved by the harbour master.
12. At Buckie, permanent berths for fishing boats will only be allocated to owners whose principal employment or whose crews principal employment is from fishing using that vessel.
13. Where the harbour dues for a recreational vessel have been paid for a year, that boat may berth at another Moray Council port for up to 48 hours in any 120 hours period, subject to the availability of visiting berths.
14. If any vessel in a harbour area is un-seaworthy, the harbourmaster may require the owner or master to remove it from that area. If this request is not complied with the vessel may be removed by the Council and costs of the operation recovered from the owner or master.

Provision and maintenance of adequate fendering and mooring lines is responsibility of vessel owner.

15. Allocation of berths is the responsibility of the harbourmaster.
16. The owner shall maintain in full force and effect third party liability insurance against the liabilities of the owner, their crew, guests and invitees with an indemnity of not less than two million pounds sterling per incident for the vessel and its tenders together with such other insurance cover as is normal for a vessel of its size, power and description. Such insurance to be effected with reputable insurers. Additionally where the owner engages paid crew for the vessel they shall maintain a policy of Employers' Liability Insurance fully in accordance with current legal requirements.

The owner shall not cancel, surrender or materially alter the terms of any part of the insurance programme without the prior written consent of The Moray Council.

The owner shall furnish The Moray Council on request with full details and legible copies of the current insurance certificates and policies together with evidence of their good-standing.

Notwithstanding any other provisions of these Regulations concerning the control and management of any person working upon the vessel and the consenting process for work to be undertaken it is the owner's strict responsibility to ensure the competence, satisfactory insurance status and adequate and safe working conditions of all persons that may carry out any work upon the vessel. It is a condition of the owner's agreement with The Moray Council that the owner ensures that any such persons hold current, adequate and appropriate insurance cover. Failure to do so will expose the owner to substantial financial risk and possible prosecution. The owner should notify the Harbourmaster in advance of any such work being carried out.

Third party insurance cover must also be provided for vessels stored in compounds.

17. Where a dispute arises, the person may write to the Council's Head of Direct Services giving full details of their case for review. The final decision shall rest with the Council's Head of Direct Services who may either confirm or overrule the decision of the harbourmaster.