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# Moray Council Harbours

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## Berthing Policy

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v.1.0 January 2018

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## Harbours Berthing Policy

This policy applies to all vessels to be berthed at Cullen, Findochty, Hopeman and Portknockie harbours. It also applies to recreational and creel boats<sup>1</sup> at Buckie and Burghead harbours.

### 1. How to apply for a berth

- 1.1 Berths are issued annually from 1 April to 31 March the following year. Berth-holders may renew their berth by applying for a renewal each year, and submitting their application by the published deadline. If a vessel is berthed in a harbour but no application form has been received by the published deadline then the vessel may be charged at the day rate.
- 1.2 New applications for berths will be allocated at each harbour on a first come, first served basis for the type of berth applied for. The harbourmaster will keep a waiting list where the number of applications exceeds the number of berths available.
- 1.3 Berths are categorised as follows:
  - Pontoon
  - Wall / loose mooring - all other moorings that are not classified as pontoon
  - Hardstanding (subject to land availability at the harbour, and includes slipway rights)
- 1.4 Berthing application forms are available from Buckie Harbour office, Burghead Harbour office, and from [moray.gov.uk/harbours](http://moray.gov.uk/harbours)
- 1.5 Information on the annual berthing charges is available at Buckie Harbour office, Burghead Harbour office, and from [moray.gov.uk/harbours](http://moray.gov.uk/harbours)
- 1.6 A berth is allocated subject to the payment of the published berthing fee and confirmation of appropriate insurance as detailed below.
- 1.7 A berth is allocated to an individual boat owner, or to joint boat owners, however, there must be a single named contact who is liable for all charges and compliance with the berthing policy. Joint ownership shall be demonstrated by the inclusion of all joint owners on the vessel insurance documents. The single named contact can only be transferred to another person who has been declared as a joint owner (and included on the vessel insurance documents) for no less than 4 consecutive years.
- 1.8 Allocation of berths is the responsibility of the harbourmaster.

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<sup>1</sup> A creel boat is defined any boat from which fishing is carried out with creels. Licensed creel boats less than 10 metres in length are charged at recreational vessel rates plus 2% of catch value.

## **2. Berthing Charges**

- 2.1 Long term berths are charged annually from 1 April to 31 March the following year. Part year divisions are not permitted.
- 2.2 Short term / visitor berthing is charged at the published daily rate.
- 2.3 The charges are reviewed annually and are published at Buckie Harbour office, Burghead Harbour office and on [moray.gov.uk/harbours](http://moray.gov.uk/harbours)
- 2.4 Annual berth holders may use another Moray harbour for up to 48 hours in any 120 hour period, subject to there being an available berth.

## **3. Berth Allocation**

- 3.1 Each vessel will be allocated a specific berth by the harbourmaster.
- 3.2 A list of vessels and their allocated berths will be maintained by the harbourmaster and published at each harbour, and on [moray.gov.uk/harbours](http://moray.gov.uk/harbours)
- 3.3 A berth holder who wishes to change their berth type may do so, subject to confirmation that there is an alternative berth available, and by payment/refund of the difference in the annual berthing charge.
- 3.4 At Buckie and Burghead harbours priority is given to full time licensed fishing boats. Recreational craft will be allocated berths subject to the harbourmaster confirming that a recreational berth would be available for the full year. Allocation of a recreational berth at Buckie or Burghead in any given year does not guarantee its availability the following year.
- 3.5 If a berth holder replaces their vessel, they may continue to occupy the berth subject to the harbourmaster confirming that the berth is appropriate for the new vessel's size. If the berth is not appropriate, an alternative berth will be allocated if available. If no alternative berth is available then the berth must be surrendered and an application made to be on the waiting list for the harbour.
- 3.6 Where a berth is allocated, but remains unoccupied for a full 12 months, in the reasonable opinion of the harbourmaster, then a surcharge of 100% of the applicable annual fee will be made.
- 3.7 A berth is allocated to the person(s) who applied and paid for the berth, not to the vessel. As such, sale or transfer of a vessel does not entitle the new owner to a berth. Any new owner of a vessel must apply separately for a berth.

3.8 A berth holder who occupies a berth without the consent of the harbourmaster (ie a berth not allocated for their vessel) may be charged the day rate for the period their vessel is in an un-approved berth, irrespective of whether they have paid the annual berthing charge.

3.9 If any vessel in a harbour area is unseaworthy, the harbourmaster may require the owner to remove it from the harbour. If this request is not complied with, the vessel may be removed by the Council and the costs of removal recovered from the owner.

#### **4. Visitor / Short Term Berths**

4.1 The harbourmaster will maintain an appropriate number of visitor berths in each harbour.

4.2 The maximum stay at any visitor berth is 7 consecutive days.

4.3 Visitor berths will be allocated on a first come, first served basis and are charged at the daily rate.

4.4 Any visiting vessel should contact Buckie Harbour office, Burghead Harbour office, or apply online at [moray.gov.uk/harbours](http://moray.gov.uk/harbours)

4.5 Daily and rover tickets are available to purchase online.

#### **5. Insurance**

5.1 The berth holder, as vessel owner, must have valid insurance for the vessel, including third party liability insurance with an indemnity of not less than £5 million per incident. Where the berth holder, as vessel owner, has paid crew members they must also have employers' liability insurance. Copies of the insurance certificates and policies must be provided to Moray Council on request, including when applying for a berth.

5.2 The above insurance policies do not remove the berth holder and vessel owner's responsibilities under the Harbour Confirmation Act, the Harbour Byelaws, or any other duties to ensure competence and safe working conditions.

#### **6. General Conditions**

6.1 All reasonable instructions of the harbourmaster must be complied with, in line with the Grampian Regional Council (Harbours) Order Confirmation Act 1987 and the Grampian Regional Council Harbours Byelaws 1991.

6.2 Vessels and trailers must be clearly marked with the vessel name.

- 6.3 Adequate moorings must be provided and maintained by the berth holder. As general advice, cordage with equivalent strength to 16mm polypropylene should be used for small craft.
- 6.4 Vessels moored against a pier must be well fendered with bow and stern ropes attached to mooring rings. Ropes should not be attached to stanchions, ladder fixing points or other boats. It is the responsibility of the berth holder to ensure appropriate mooring and fendering.
- 6.5 There shall be no pumping of bilges in the harbour.
- 6.6 All vessels with outboard motors shall have their propellers covered when the vessel is moored.
- 6.7 It is the responsibility of the berth holder to clear and mitigate any spillages, on land or in the water. If the Council is required to clean up any spillages the full cost may be recovered from the berth holder.
- 6.8 Piers and entrances should be kept clear of obstructions at all times.
- 6.9 Fishing nets and other associated equipment may only be stored in designated areas, and should be clearly marked / tagged with the owner's details.
- 6.10 The harbourmaster shall be given at least 14 days notice of the intention to use a crane to lift vessels in / out of the water. The details of the company / equipment being used must be supplied to the harbourmaster. All relevant risk assessments and operating instructions must be complied with. If a berth holder needs to crane a vessel in / out with less than 14 days notice, the harbourmaster's consent should be sought on a case-by-case basis.

## **7. Dispute Arrangements**

- 7.1 If a dispute arises between a berth holder and the harbourmaster, the berth holder may write to the Council's Head of Direct Services giving full details of the dispute. The Head of Direct Services will review the information, and their final decision shall be binding.