

**GENERAL DIRECTIONS FOR NAVIGATION
WITHIN THE COMHAIRLE NAN EILEAN SIAR
JURISDICTION AS A HARBOUR AUTHORITY
2022**

DRAFT

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General Directions for Navigation 2019

Comhairle nan Eilean Siar (hereafter referred to as “the Comhairle”), in exercising its powers granted under Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002 (hereafter referred to as “the Order”) and having consulted the UK Chamber of Shipping, Port users, the Royal Yachting Association and general public, gives the following General Directions to vessels navigating within the statutory harbour limits under the jurisdiction of the Comhairle.

PART I – PRELIMINARY

1. Title and Commencement

These directions may be cited as the Comhairle General Directions for Navigation 2022 and shall come into force on 31 March 2022.

2. Definitions and Interpretation

In these Directions:

- a) “the Order means the Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002 as the same may be amended from time to time;
- b) “AIS” means Automatic Identification System;
- c) “Barge” includes dumb vessels, including but not limited to barges, lighters, collar and mooring barges, crane barges and engineering barges, pontoons, oil storage/processing barges and dredgers, but excludes any power-driven vessels;
- d) “the Comhairle” means Comhairle nan Eilean Siar, the local Authority that exercises jurisdiction as Harbour Authority of 32 Harbour Areas throughout the Western Isles under the Order;
- e) “Commercial Vessel” means any vessel that operates for commercial, or material gain by carrying cargo or passengers and which is not a Recreational Vessel and includes yachts on both bareboat and crewed Charters;
- f) “Conning Position” means the place on the vessel with a commanding view of the vessel and from which the vessel is commanded, manoeuvred and controlled;
- g) “Collision Regulations” means the International Regulations for Preventing Collisions at Sea 1972 as amended as given effect to by Regulations, made under the Merchant Shipping Act 1995 and any amendment thereof;
- h) “Designated Anchorage” means an area designated by the Harbour Master as an anchorage area and published on charts, port information or in Notices to Mariners;
- i) “A Deck Officer” in relation to a Commercial Vessel means an officer with navigation responsibilities and includes the Master and Mate(s);

- j) "ECDIS" means an Electronic Chart Display and Information System; a geographic information system used for nautical navigation that complies with IMO regulations as an alternative to paper nautical charts;
- k) "fairway" means a regular course or track of shipping within the marked and/or navigable channels within the statutory harbour limits and includes the approaches to those limits;
- l) A "Ferry" means any vessel conveying passengers, vehicles or cargo on a regular, timetabled service within and between the Western Isles and the mainland UK;
- m) "Ferry Harbour" is a generic term that means a harbour accommodating a regular ferry service, and could include all or any one of the following harbours: Lochmaddy, Leverburgh, Bays Loch Harbour, Aird Mhor and Ceann a Gharaidh;
- n) "Goods" means all articles and merchandise of every description and includes fish, livestock and animals;
- o) "Gross Tonnage" in relation to a vessel means the tonnage calculated in accordance with the international Tonnage Measurement of Ships 1969, or the Merchant Shipping (Tonnage) Regulations 1982, as amended, and where in accordance with those regulations alternative tonnages are assigned to a vessel, the Gross Tonnage of the vessel must, for the purposes of these Directions be taken to be the larger of those tonnages;
- p) "the Harbour" or "the Harbours" means all the waters that lie within the statutory harbour limits as defined in the Order within which the Comhairle exercises jurisdiction, it includes the Ferry Harbours defined at 2.l) above;
- q) "the Harbour Master" means any person appointed as such by the Comhairle, and includes that person's deputies and assistants and any other person for the time being authorised by the Comhairle to act, either generally or for a specific purpose, in the capacity of Harbour Master;
- r) "Harbour Office" means the office of the Harbour Master, through which the statutory powers and duties of the Harbour Master, as contained in any legislation, including the Order, is discharged.
- s) "IMO" means the International Maritime Organisation;
- t) "ISM Code" means the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by IMO in Resolution A.741(18) as the same may be amended from time to time;
- u) "Large Vessel" means any vessel with a draught greater than 3m and/or more than 20m in length and includes all RO-RO Ferries transiting through the Harbours.
- v) "MARPOL" means the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978
- w) "Master" when used in relation to any vessel means any person having the command, control charge, or management of the vessel for the time being;
- x) "Marine Operations" means the movement, berthing and unberthing, embarkation and disembarkation of passengers and cargo loading and unloading of vessels and other activities, such as diving taking place on the water within the statutory harbours limits and approaches;

- y) "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 and in control of the vessel;
- z) "Port Passage Plan" means a systematic and documented navigational plan for all stages of any voyage into, out of or within the Harbours in accordance with the guidelines given at SOLAS Chapter V Annex 25 or any similar flag state administration notice, issued pursuant to the associated IMO conventions on Standards of Training, Certification and Watchkeeping for Seafarers (STCW);
- aa) "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;
- bb) "Recreational Vessel" means all privately-owned vessels that operate for pleasure or recreational purposes only and which do not receive any commercial or financial reward, but excludes chartered yachts;
- cc) "SHL" means Statutory Harbour Limits which is the area over which the Comhairle shall exercise jurisdiction and within which the powers of the Harbour Master shall be exercised under the Order;
- dd) "Special Direction" means a direction given by the Harbour Master under article 20 of the Order;
- ee) "SOLAS" means the International Convention for the Safety of Life at Sea (SOLAS), 1974;
- ff) "Vessel" means a ship, boat, raft or water craft, including non-displacement craft, hovercraft and sea-planes, as defined in the Collision Regulations, used or capable of being used as a means of transportation or navigation on water.

PART II – NAVIGATION IN PORT

3. Application of Collision Regulations

The Collision Regulations shall apply to all vessels within the jurisdiction of the Comhairle, but subject to the other provisions of these Directions. Vessels must at all times display the Lights and use the Sound signals as prescribed in the Collision Regulations.

4. Use of VHF radio

All commercial vessels must, and recreational vessels are advised to monitor VHF Channel 16 at all times, when underway within the harbours and SHL.

5. Vessel Movements

- a) The Master of a vessel of over 24m in length, shall give at least 24 hours' notice by email to the Harbour Office (harbourmaster@cne-siar.gov.) of the vessel's arrival at the Port, and at least 30 minutes' notice before departure from, or movement within, the Port.

- b) When a vessel of 24m or more in length arrives at its berth in any of the Harbours, an arrival call must be made to the Harbour Office by telephone to the Comhairle 24 hour call centre on 01851 701701. The Master of such a vessel shall ensure that:
- (1) he and the officers or navigating crew on board are familiar with and able to comply with the navigational safety requirements of these General Directions;
 - (2) the vessel's charts (or ECDIS) for the Harbour or Harbours and associated navigational publications are corrected and in date;
 - (3) he has prepared an appropriate Port Passage Plan for use during the vessel's passage within the Harbour or Harbours;
 - (4) the vessel has no deficiencies or defects in respect of its manning, navigational equipment, propulsion or steering gear;
 - (5) suitable arrangements are made to provide appropriate mooring assistance to the vessel at its intended berth in the Harbour or Harbours;
 - (6) the vessel's International Ship and Port Facility Code security level is reported (where applicable); and
 - (7) the number of persons onboard is reported.
- c) All vessels about to enter or exit any of the Harbours must not to impede the passage of a large vessel that may safely navigate only within the fairway. Ferry services make regular use of the fairway throughout the year and mariners navigating within any of the harbours should assume that any ferry sighted is a large vessel .

6. Speed Limits

The Master of a power-driven vessel navigating within the Harbour or Harbours should navigate at a safe speed as described at Rule 6 of the Collision Regulations, subject to the following restrictions:

- a) Within 100 metres of any quay or moorings within the Harbour or Harbours, the Master of a vessel shall not exceed 5 knots through, on or over the water.
- b) Within the SHLs of the Harbour or Harbours and beyond 100 metres off any quay or moorings within the Harbour or Harbours, the Master of a vessel shall not exceed 12 knots through, on or over the water.

This General Direction does not apply to the regular ferry services operated by Caledonian MacBrayne Ferries Service, which are subject to separate and specific risk assessments and operational procedures. This General Direction does not apply to vessels being used for search and rescue, fire brigade, ambulance, police, public or recreational safety where observance of this General Direction would be likely to hinder the safe use of that vessel for that purpose; nevertheless, Masters of such vessels should be fully aware of their responsibility to navigate with care and observe fully the requirements at General Direction 8.

7. Vessels not to Obstruct the Fairway

The Master of a vessel less than 24 metres in length or a sailing vessel shall not impede or obstruct the passage of vessels which can safely navigate only within the fairways.

8. Vessels to Navigate with Care

The Master and any person having navigational charge of a vessel shall at all times, navigate his vessel with due care and attention having specific regard to the prevailing weather conditions and other vessel movements, and at a speed and in a manner which will not be likely to endanger lives, cause injury to persons, damage to property, vessels, moorings, foreshore or other property through excessive wash or draw-off.

9. Mooring of Vessels

- a) The Master of a vessel when entering the Harbour or Harbours should proceed to its berth as directed by the Harbour Master. The vessel must always be securely moored at the berth to prevent undue excursion and movement in tidal conditions and to ensure that no other vessel or property is likely to suffer damage.
- b) The vessel must be adequately manned to ensure that the moorings are tended and that the vessel can be moved, should the Harbour Master so require.
- c) Vessel mooring ropes must not be made fast to or led around handrails/stanchions, ladders, grab rails, lampposts or any such structure not designed to withstand mooring loads.

10. Persons in Control of the Vessel

For any vessel underway in the Harbour or Harbours, there must be either:

- a) in the case of a commercial vessel, a Deck Officer holding a Certificate of Competency or equivalent appropriate for the vessel, and in a fit state to take navigational charge of the vessel; or
- b) in the case of a recreational vessel, the Master or member of the crew in a fit state to have charge of the navigation of the vessel.

11. Notification and Investigation of Accidents

- a) The Master of a vessel shall inform the Harbour Master immediately if his vessel:
 - (1) is involved in a collision with any vessel or in contact with property, or was sunk, grounded or become stranded in the Harbour or Harbours; or
 - (2) by reason of accident, fire, defect or otherwise is in such a condition to make it unable to navigate safely or that may endanger other vessels, property or the marine environment; or
 - (3) in any manner causes an obstruction in the fairway.
- b) Where the damage to a vessel affects, or is likely to affect its seaworthiness, the Master shall not move the vessel, except to clear that channel or to moor or anchor in safety, without the consent of the Harbour Master;

- c) Any collision, damage to property, sinking, grounding, stranding, fire, accident, or other incident may be investigated by the Comhairle to establish what lessons can be learned from such an incident and if there has been any breach of local legislation.

12. Anchoring and Waiting

- a) Except in an emergency or for the purposes of manoeuvring, no vessel is permitted to anchor within the fairway within or in the direct approaches to the Ferry harbours as defined at General Direction 2.m) above.
- b) Vessels must not be anchored in a location where they may obstruct navigation.
- c) Vessels at anchor will be liable to pay Port Dues.
- d) The Master of every vessel underway within the SHLs shall have an anchor ready to let go.
- e) If the vessel anchor becomes fouled, or lost, the matter must be reported to the Harbour Master.

13. Reduced Visibility

In conditions where the visibility is reduced to less than 400 metres, vessels must not be navigated within Ferry harbours as defined at General Direction 2.m) above, unless by express permission of the Harbour Master.

14. Navigation of Vessels by Persons under the age of 16

Except for the purposes of an organised event subject to the requirements of General Direction 27, or with the Harbour Master's consent, a person under the age of 16 years must not be the Master or in command of a power-driven vessel.

15. Fast Rescue Craft, RIBS and Small High-Speed Vessels

- a) The Master of a vessel underway within the SHLs, which is less than 24 metres in length, and capable of exceeding a speed of 12 knots, must have a functional dedicated engine cut-out system or 'kill cord' system installed aboard the vessel.
- b) This General Direction does not apply to vessels being used for Search and Rescue, vessels in support of any emergency situation or recreational safety, where compliance with this General Direction would be likely to hamper the safe use of that vessel for that purpose.

16. Licence to lay Moorings

No person shall place, lay down, maintain or use any Mooring or Pontoon, within the SHLs, without a Licence being issued by the Comhairle. The placing, laying down, maintenance or use of any such Mooring will be in accordance with the Terms and Conditions of this Licence. In the absence of such Licence or if there is a breach in the terms and conditions, then such Mooring must be forthwith removed by the owner, if the Comhairle so require. The Comhairle will not be responsible for the cost of any such removal.

17. Diving and other Underwater activities

Any vessel mooring, anchoring or under way in order to conduct diving operations within the SHLs may only proceed with the prior consent of the Harbour Master, who may issue a 'permit to dive' after verifying that following documentation is in place and current, at least 24 hours in advance of the intended dive:

- The Diving Plan;
- Risk Assessment/Method Statement;
- Diver Medical certificates; and
- Diver qualifications, including First Aid, Insurance certificates and HSE Registration number.

18. Water-skiing, and other similar Activities

- a) Water-skiing, kite-surfing, wake-boarding, para-sailing or any similar activity is not permitted within:
- (1) the fairways or in the direct approaches to the Ferry harbours as defined at General Direction 2.m) above.;
 - (2) inside any breakwaters and within Marinas and Marina approaches;
 - (3) the approaches to the RO-RO Berth in the Ferry Harbours.
- b) The Master of a vessel towing a person or persons water-skiing, para-sailing or undertaking similar towed activity, must ensure that there is on board:
- (1) for each person being towed, a rescue quoit with line or other sufficient hand thrown rescue device;
 - (2) two hand-held distress signals and a fire extinguisher; and
 - (3) at least one other person able to take charge of the vessel and to give such assistance as may reasonably be required during the towing.

19. Use of Personal Water Craft (PWC) or Jet-skis

For the purpose of these General Directions, a PWC or Jet-ski is deemed operational within the SHLs, when it is planing and/or proceeding at a speed of more than 8 knots. A PWC must not be used:

- a) in the approaches to the RO-RO Berth in the Ferry Harbours, within one hour of any scheduled ferry arrivals or departures.
- b) within 100 metres of a quay, pier, berth, pontoons, public beach, bathing place or residential property.

20. Overtaking

Overtaking of large vessels on passage within the fairway is forbidden.

PART III – GENERAL

21. Being in charge of a Vessel whilst under the Influence of Alcohol or Drugs

No person shall navigate or be responsible for navigating a vessel within the SHLs if their ability safely to do so is impaired because of alcohol or non-prescription drugs. Where there is cause to believe that the person in command of a vessel is under the influence of alcohol or drugs, then Police Scotland will be contacted to carry out a drugs and alcohol test.

22. Defective Machinery and Equipment

Where there is any defect with the vessel structure, main propulsion, steering gear, auxiliary machinery or equipment that may impact on the safe navigation of a vessel, the vessel must not be navigated within the SHLs without the consent of and in accordance with any Special Direction by the Harbour Master.

23. Navigational Risk Assessment

- a) Any Vessel engaged in specialised operations, which falls outside the scope of the Comhairle's navigational Safety Management System, and which intends to navigate within the SHLs, which in the opinion of the Harbour Master, causes or is likely to cause a risk to navigational safety or to the marine environment, shall submit a written risk assessment before consent is given by the Harbour Master, to the vessel to enter or operate in any part of the SHLs.
- b) When a vessel is required to submit to such a written risk assessment, the Harbour Master must be provided with any information he may require in respect of, but not limited to; the vessel, the nature of its intended operation, its equipment, general condition, certification, organisational and ship management systems and crew competency, so that a full assessment of the risks associated with the navigation or operation of the vessel and any appropriate mitigation of such risks can be made.

24. Vessels Identification

The Master of every vessel must ensure that the vessel has its name or other identification letters or numbers conspicuously marked on it, unless that vessel is less than 7 metres in length and compliance with the foregoing requirements is impracticable.

25. Vessels not to be Immobilised

- a) Except where the vessel is aground, the Master of any vessel, other than a vessel less than 24 metres in length, shall not immobilise the vessel or load it or take on ballast so that it is incapable of movement, unless prior consent is obtained from the Harbour Master.
- b) Where a vessel, other than a vessel less than 24 metres in length, is for whatever reason, incapable of being safely moved by means of its own propulsion, the Master shall immediately inform the Harbour Master in writing, giving the full reasons and duration of the immobilisation.

26. Seaplanes and Flying Boats

Seaplanes and flying boats are not permitted to land on or take off from the waters within the SHLs without first obtaining consent from the Harbour Master and will be, in addition, subject to any Special Direction from the Harbour Master.

27. Boat Races, Regattas and other Events on the Water

- a) The organiser of any yacht, boat or leisure event proposed within the Harbour or Harbours, must give at least four weeks' notice of such to the Harbour Master. The notice must include a written risk assessment of the event and proof of any appropriate insurance arrangements in accordance with the Port Marine Safety Code and RYA guidance.
- b) The risk assessment must identify the relevant hazards and any additional precautions and risk control measures to be implemented to ensure that any risk to persons or navigational safety or both, is mitigated and maintained as low as reasonably practicable.
- c) Organisations and clubs that have routine planned events, such as weekly training and racing, may cover the requirements of this Direction, with an annual notification and a single written risk assessment for the specific scheduled event. This Notice and Risk Assessment must be reviewed and re-submitted annually by the Event organiser, to the Harbour Master.

28. Penalties for failure to comply with general directions

The Master of a vessel or any other person having or taking the command charge or management of a vessel for the time being who fails to comply with any of these directions or any special directions given by the Harbour Master shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding the level prescribed in sections 10, 17, 21 and 22 of the Order and any amendment thereof.