

# **ORKNEY ISLANDS COUNCIL**



## **Orkney Harbour Areas (Vehicles) Byelaws**

**1984**

**ORKNEY ISLANDS COUNCIL**

**ORKNEY HARBOUR AREAS (VEHICLES)**

**BYELAWS 1984**

**ARRANGEMENT OF BYELAWS**

1. Short title and application.
2. Interpretation.
3. Directions as to loading etc.
4. Vehicles unattended or immobilised.
5. Height of load.
6. Brakes.
7. Liquid leaks.
8. Speed, refuelling etc.
9. Hoistings and crane berths.
10. Use of weigh bridges.
11. Removal of vehicles from port premises.
12. Penalties.

Orkney Islands Council  
ORKNEY HARBOUR AREAS (VEHICLES)  
BYELAWS 1984

The Orkney Islands Council, in exercise of the powers conferred by section 46 of the Orkney County Council Act 1974 and of all other powers thereunto enabling them, hereby make the following byelaws:

*Short title and application*

1. These byelaws may be cited as the Orkney Harbour Areas (Vehicles) Byelaws 1984, and shall apply within the harbour areas within the jurisdiction of the Orkney Islands Council in their capacity as a harbour authority as provided for in the Schedule to the Orkney County Council Act 1974 and Schedule I of the Orkney Islands Council Order 1978, and The Orkney Islands Council Harbout Revision Order 1989.

*Interpretation*

2. In these byelaws “vehicle” includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, a trailer, caravan or mobile home, and a hovercraft or any other amphibious vehicle.

*Directions as to loading etc.*

3. The driver or person in charge of a vehicle shall at all times obey the reasonable directions or requirements of any authorised officer or servant of the Orkney Islands Council as to the loading, unloading, placing, moving, management and removal of the vehicle.

*Vehicles unattended or immobilised*

4. No person shall cause a vehicle, whether laden or unladen, to be left unattended or deliberately rendered immobile, on port premises except under and in accordance with a permission of the harbour master.

*Height of load*

5. Except with the permission of the harbour master, no person shall cause any part of a vehicle or its load to extend to a greater height above ground than four metres.

*Brakes*

6. No person shall drive a vehicle unless it is provided with an adequate and efficient braking system.

*Liquid leaks*

7. The driver or person in charge of a vehicle shall take all reasonable pre cautions to ensure that no liquid is permitted to leak from the vehicle.

*Speed, refuelling etc.*

8. No person shall, except under and in accordance with a permission given by the Director of Harbours

- (a) drive a vehicle at a speed exceeding 15 m.p.h.;
- (b) refuel, or drain any fuel from, a vehicle.

*Hoistings and crane berths*

9. No person shall place a vehicle under any part of a hoistway or at an overhead crane loading-berth until he is ready to commence the work of loading into the vehicle or discharging therefrom by means of such hoistway or crane, and the person so placing a vehicle shall remove it from such position immediately after such work is completed.

*Use of weigh bridges*

10. No person shall cause a vehicle to be placed or to pass over a weigh bridge except for the purpose of being weighed.

*Removal of vehicles from port premises*

11. The driver or person in charge of a vehicle shall remove it from the port premises as soon as possible after the business on which it was brought thereon has been completed.

*Penalties*

12. (1) Any person who contravenes or fails to comply with a provision of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

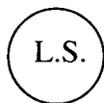
(2) in any proceedings for an offence under these byelaws it shall be a defence for the person charged to prove

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
- (b) that he had a reasonable excuse for his act or failure to act.

(3) If in any case the defence provided by paragraph (2) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

(4) Where the commission by any person of an offence under these byelaws is due to the act or 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 byelaw whether or not proceedings for the offence are taken against any person other than him.

Given under the Common Seal of the Orkney Islands Council this 5th day of June 1984.



EDWIN R. EUNSON,  
Councillor.

GEORGE STEVENSON,  
Councillor.

H. A. GRAEME LAPSLEY,  
Chief Executive.

The Secretary of State for Transport hereby confirms the foregoing byelaws. Signed by authority of the Secretary of State this 29th day of November 1984.

J. R. FELLOWS,  
An Assistant Secretary in  
the Department of Transport.

## NOTE

*(This Note does not form part of the Byelaws.)*

The harbour areas within which these Byelaws shall have effect are as follows:

1. Scapa Flow
2. Wide Firth/Shapinsay Sound
3. Papa Sound (Whitehall Pier, Stronsay) 4. North Ronaldsay
5. Papa Westray
6. Pierowall (Gill Pier)
7. Kettletoft
8. Backaland (Backaland Pier, Eday)
9. Trumland (Trumland Pier, Rousay)
10. Egilsay
11. Wyre
12. Tingwall (Mainland)
13. Loth (Loth Pier, Sanday)
14. Rapness (Rapness Pier, Westray)

