

Item: 3

Harbour Authority Sub-committee: 26 August 2025.

Orkney Harbour Authority General Directions.

Report by Director of Enterprise and Resources.

1. Overview

- 1.1. General Directions are a statutory tool under the Orkney County Council Act 1974, enabling a harbour authority to regulate the movement and conduct of vessels and harbour users within its jurisdiction. Their introduction will strengthen the Harbour Authority's ability to manage operations consistently, enhance safety, and respond to changing operational requirements.
- 1.2. A formal consultation process was carried out between 1 May and 23 June 2025, with a range of stakeholders, including port users, local businesses, maritime operators, and the wider community, as detailed in Appendix 2. The consultation sought feedback on the scope and content of the proposed Directions, ensuring transparency and stakeholder involvement.
- 1.3. Responses received have been carefully considered, as detailed in Appendix 3, and relevant amendments have been made to the final draft, attached as Appendix 1.
- 1.4. The adoption of General Directions will help ensure the safe, efficient, and sustainable management of Orkney's harbours in line with national best practice.

2. Recommendation

- 2.1. It is recommended that members of the Sub-committee:
 - i. Approve the General Directions, attached as Appendix 1 to this report.

3. Background

- 3.1. The introduction of General Directions for Orkney Islands Council, as Harbour Authority, follows a period of strategic review and operational reflection, including recommendations raised in previous internal and external audit reports by Marico Marine Ltd in compliance with the Port and Marine Facilities Safety Code. These reports have highlighted the limitations of relying solely on byelaws, which, while still enforceable, do not provide the flexibility or responsiveness required in a modern and dynamic port environment.

- 3.2. Byelaws, by their nature, are prescriptive and time-consuming to amend, often requiring confirmation from the Scottish Government. This process can take months or even years, meaning the Harbour Authority is constrained when needing to respond swiftly to emerging safety concerns, operational risks, or changes in port traffic patterns. General Directions, as provided for under the Orkney County Council Act 1974, offer a more agile legal mechanism. They allow the harbour authority to issue legally binding instructions to vessels and harbour users with greater responsiveness, ensuring safer, more efficient operations without the delay inherent in byelaw reform.
- 3.3. This flexibility is increasingly recognised as essential in a complex maritime landscape, particularly where multi-user terminals and port areas, like those in Orkney, are balancing ferry operations, cruise activity, fishing, renewable energy support, tankers and commercial shipping. The ability to issue direction tailored to specific circumstances such as temporary navigational restrictions, berth allocations, or requirements around pilotage and mooring enhances the Harbour Authority's capacity to manage risk and ensure compliance in real time.
- 3.4. Benchmarking with other Scottish harbour authorities confirms that the introduction of General Directions is considered best practice and is already in place at several comparable ports such as: Forth Ports and Lerwick Port Authority; The UK Government has previously acknowledged the importance of providing local harbour authorities with proportionate and enabling tools to fulfil their statutory duties under the Port and Marine Facilities Safety Code (PMSC).
- 3.5. Furthermore, the Marine Safety Management System (MSMS) regularly reviewed under the PMSC has also highlighted the need for a more modern regulatory instrument to uphold the harbour's duty of care while maintaining operational efficiency. Inconsistent enforcement options and procedural limitations under the existing framework have made it more difficult to drive behavioural change among users where necessary.
- 3.6. Considering these factors, the development of General Directions represents a proactive, proportionate, and modern response to the challenges of harbour management in Orkney.

4. Consultation

- 4.1. A comprehensive consultation process was undertaken, engaging a broad range of statutory consultees alongside an open public consultation. The full list of consultees is provided in Appendix 2.

- 4.2. All consultation responses, along with the Harbour Authority's formal replies, are detailed in Appendix 3, demonstrating a transparent and accountable engagement process.

For Further Information please contact:

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Implications of Report

1. **Financial** - There are no financial implications arising from the report recommendations. Any costs associated with the drafting of the General Directions have been contained within existing Service budgets.
2. **Legal** - The Council, as statutory harbour authority, is responsible for the navigational safety and traffic regulation of all vessels bound to and from the Ports and Harbours of Orkney. The Council has produced these General Directions in exercise of its powers under section 40 of the Orkney County Council Act 1974 ("the Act") and has carried out the consultation required by the Act.
3. **Corporate Governance** – In terms of the Scheme of Administration, the establishment and review of Bye Laws, General Directors, Enforcement Policies and Pilotage Directions is a referred function of the Harbour Authority Sub-committee.
4. **Human Resources** Not applicable.
5. **Equalities** an Equality Impact Assessment is not required.
6. **Island Communities Impact** an Island Communities Impact Assessment is not required.
7. **Links to Council Plan** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - ☐ Growing our economy.
 - ☒ Strengthening our Communities.
 - ☒ Developing our Infrastructure.
 - ☒ Transforming our Council.
8. **Links to Local Outcomes Improvement Plan** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - ☐ Cost of Living.
 - ☒ Sustainable Development.
 - ☐ Local Equality.
 - ☐ Improving Population Health.
9. **Environmental and Climate Risk** Not Applicable

- 10. Risk** General Directions being implemented will help reduce the risk to the Council through effective deterrents and enforcement.
- 11. Procurement** Not applicable.
- 12. Health and Safety** Health and Safety will improve with the introduction of General Directions.
- 13. Property and Assets** not applicable.
- 14. Information Technology** not applicable.
- 15. Cost of Living** not applicable.

List of Background Papers

Harbours Act 1964 – Section 40.

Orkney County Council Act 1974 – Section IV paragraph 40.

Ports and Marine Facilities Safety Code 2025 – Section 3 Legislation.

A Guide to good practice on port and marine Facilities – Section 3 Legislation paragraph 3.5.

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Appendices

Appendix 1 - General Directions.

Appendix 2 – List of Consultees.

Appendix 3 – Response to Consultation.



**Orkney Islands Council
Harbour Authority
General Directions
TBC 2025**



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Orkney Islands Council Harbour Authority General Directions

Orkney Islands Council (**the Council**), as Statutory Harbour Authority, in exercise of the powers contained in sections 40 of the Orkney County Council Act 1974 (hereinafter referred to as “the Act”), and having consulted as required in the Act, do hereby give the following directions:

Part I – Preliminary

1. Introduction

1.1. Orkney Islands Council Statutory Harbour Authority (known as **OICHA**) and Orkney Islands Council Competent Harbour Authority (**OICCHA**) is a Local Authority Statutory Harbour Authority under the Act and a Competent Harbour Authority (as defined in the Pilotage Act 1987) and has made the Orkney Islands Council Pilotage Directions 2023 (**the Pilotage Directions**). The Authority is responsible for the navigational safety and traffic regulation of all vessels bound to and from the Ports and Harbours of Orkney.

1.2. These General Directions are to be read in conjunction with the Orkney Islands Council Orkney Harbour Areas General Byelaws 1977, the Pilotage Directions and OICHA Local Notices to Mariners.

1.3. OICHA Harbour Master has powers under the Act and general public legislation and may give and enforce directions to vessels within the Authority's Area under section 41 of the Act.

1.4. The OICCHA provides a Pilotage Service for all vessels to which the Pilotage Directions apply. .

1.5. Orkney VTS is operated from Orkney Marine Service Headquarters on a continuous 24-hour basis to provide a safe and efficient regime for vessel traffic, and protection for the environment. All vessels over 12 metres arriving at or sailing from or on passage through the Harbour Authority Areas, must report to Orkney Harbour Vessel Traffic Service (VTS). The Reporting Procedures are set out in ALRS Volume 6.

1.6 In the event of any uncertainty regarding the application or interpretation of these General Directions, mariners are advised to seek clarification by contacting Orkney Harbours via telephone or email.

2. Duties of a Master

2.1. It is the duty of the Master of a vessel to which a General or Special Direction applies to comply with that Direction. The giving of a General or Special Direction shall not diminish, or in any other way affect, the responsibility of the Master of the vessel to which the direction is given in relation to their vessel, persons on board, its cargo, or any other person or property. (Sections 43 and 45 of the Act).

2.2. The Master of a vessel who fails to comply with a General or Special Direction shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4. It

shall be a defence to the Master of a vessel charged with such an offence to prove that they had reasonable ground for supposing that compliance with the Direction in question would be likely to imperil their vessel, or that in the circumstances compliance was impracticable. (Section 43 of the Act).

2.3. Nothing contained in these General Directions shall relieve the Master of any vessel of the obligation to comply with either the Collision Convention on the International Regulations for Preventing Collisions at Sea 1972, (as amended) as given effect by The UK Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations, 1996, or any Special Direction given by the Harbour Master under Section 41 of the Act.

2.4. In order to maintain and enhance safety of navigation in the Authority's Areas it is important that Masters, Watchkeepers and Pilotage Exemption Certificate holders are aware of current Byelaws, Directions, and Notices to Mariners. It is therefore vital that owners/agents ensure that all such relevant information and publications are promptly distributed to vessels as appropriate. Current Notices can be obtained directly from the Authority's internet website at www.orkneyharbours.com

3. Title and Commencement

3.1. The Orkney Islands Council Harbour Authority (OICHA), in exercise of its powers under Section 40 of the Orkney County Council Act 1974 ("the Act"), and having carried out the consultation required by the Act hereby gives the following General Directions to vessels to be known as the "Orkney Islands Council Harbours Authority General Directions 2025".

3.2 OICHA may, after consultation, revoke or amend these General Directions.

3.3. These General Directions shall come into operation on the ? day of ??? 2025.

GIVEN at Scapa this ?? day of ??? 2025.

Part II – Definitions

4. Definition and interpretation

In these General Directions, unless the context otherwise requires:

4.1. **The Authority** means the Orkney Islands Council Statutory Harbour Authority.

4.2. **The Authority's Areas** means the areas within which the Authority exercises jurisdiction as harbour authority, comprising:

4.2.1. **Scapa Flow**: The area bounded as follows:

- Commencing at the Out Taings point on Hoy.
- Thence in a straight line to Breckness on Mainland.
- Thence in a generally eastern direction following the line of low water on the southern boundaries of Mainland to the northern end of the northernmost Churchill Barrier.
- Thence in a generally southerly direction following the western sides of the four Churchill Barriers and the lines of low water on the western boundaries of the islands of South Ronaldsay (other than Swona) to Brough Ness.
- Thence in a generally westerly direction by a straight line to the southernmost part of Swona and a straight line from that point to Brims Ness on South Walls on the island of Hoy;
- Thence following the line of low water on the western and northern sides of Aith Hope and the seaward boundaries of South Walls and of Hoy to the point of commencement.
- Except for the area within the St Margaret's Hope Pier Trustees jurisdiction as statutory harbour authority.

4.2.2. **Wide Firth/Shapinsay Sound**: The area bounded as follows:

- Commencing at Harpy Taing on Mainland;
- Thence in a straight line to Strombery on Shapinsay;
- Thence following the line of low water on the southern boundary of Shapinsay to Hacksness;
- Thence in a straight line to Rerwick Point on Mainland;

- Thence in a generally westerly and north-easterly direction following the line of low water on part of the northern boundary of Mainland to the point of commencement.

4.2.3. **Other Areas Out with the Areas Defined Above:** The areas bounded as follows:

4.2.3.1 Whitehall – That part of Papa Sound within a distance of 1 kilometre in any direction from the landward end of Whitehall Pier (Latitude 59° 08' 32" North, Longitude 02° 35' 44" West.

4.2.3.2 Outer Harbours – In relation to each of the harbours designated in the first column of the following table, the area of tidal waters within 1 kilometre in any direction the landward end of the pier or jetty specified in relation to that harbour in the second and third columns of the table.

<i>Harbour</i>	<i>Pier or Jetty</i>	<i>Latitude and Longitude of landward end</i>
North Ronaldsay	North Ronaldsay Pier	59°21'18" N. 02°26'20" W.
Papa Westray	Papa Westray Pier	59°19'37" N. 02°53'13" W.
Pierowall	Gill Pier	59°19'27" N. 02°58'19" W.
Kettletoft	Kettletoft Pier	59°13'56" N. 02°35'54" W.
Backaland	Backaland Pier, Eday	59°09'21" N. 02°44'39" W.
Trumland	Trumland Pier, Rousay	59°07'50" N. 02°59'10" W.
Egilsay	Egilsay Pier	59°09'22" N. 02°56'26" W.
Wyre	Wyre Pier	59°07'30" N. 02°58'14" W.
Tingwall	Tingwall Jetty	59°05'22" N. 03°02'29" W.

4.2.3.3 Rapness Pier and Loth Pier:

- The area of tidal waters in that part of Eday Sound adjacent to Loth on the island of Sanday comprising an area within 500 metres in any direction from the level of high water at a point, at latitude 59°11'30" North, longitude 24°1'36" West.
- The area of tidal waters in that part of Rapness Sound adjacent to Rapness on the island of Westray comprising an area within 500

metres in any direction from the level of high water at a point at latitude 59°14'57" North, longitude 25°1'38" West.

4.3. **ALRS** means Admiralty List of Radio Signals, a series of internationally recognized publications produced by the United Kingdom Hydrographic Office (UKHO), which provide essential maritime radio communications information. The ALRS is designed to support the safe navigation of vessels. It includes details such as radio aids to navigation, services provided by coastal and port radio stations, weather and storm warning broadcasts, vessel traffic services (VTS), and procedures for emergency communication.

4.4. **At Anchor** in relation to any vessel, means anchored either ahead or astern or any other position by anchors, but not moored.

4.5. **Autonomous Vehicle** mean any vehicle, vessel, aircraft or sub-surface vessel or equipment, whether it be on land, in the air, on the sea or in the water column, that is able to propel itself and perform its function without any human intervention, through its own ability to determine, sense, perceive and interpret its surroundings. This definition applies whether or not a human being is in or on such vehicle.

4.6. **Berthed** in relation to any vessel, means secured to a quay, pier or linkspan, or secured alongside a vessel so secured.

4.7. **Collision Regulations** means Convention on the International Regulations for Preventing Collisions at Sea 1972, (as amended) as given effect by the Merchant Shipping, (Distress Signals and Prevention of Collisions) Regulations 1996 as amended.

4.8. **Commercial Diving** means any diving undertaken for reward by a commercial or private entity for the purpose of engineering, survey, inspection, maintenance, fishing or any other such activity in support of any commercial operation.

4.9. **Commercial Recreational Diving Vessel** means any vessels operated for reward on a commercial, hire or lease basis to provide a base of operations for recreational, leisure, sport, training or tourism diving activities.

4.10. **Designated Anchorages** means the anchorages designated by the Harbour Master for use as anchorages and published on local charts and other official sources of navigational information, and as further set out in section 25.7.

4.11. **Dive Contractor** means the employer of the diver or divers engaged in the diving project.

4.12. **Dive Supervisor** means an individual nominated as the sole controller and responsible person for the safety and conduct of a dive either of a group or and individual for any form of diving activity.

4.13. **Fairway** means a channel, which is a regular course or track of shipping.

4.14. **Goods** means all cargoes, articles and merchandise of every description and includes fish, livestock and animals.

4.15. **Harbour Master** means a person appointed by the Council to be Harbour Master and includes the deputies and assistants of a person so appointed, including Orkney VTS Officers.

4.16. **Large Vessel** means any vessel, the overall length of which exceeds 260 metres.

4.17. **Major Incident** means an incident involving any or all of the following:

4.17.1. serious structural damage to, or any other damage affecting a vessel's seaworthiness.

4.17.2. death of, or serious injury to a person;

4.17.3. pollution, or the potential for pollution, in which containment or cleanup is beyond the scope of local resources and requires external assistance;

4.17.4. channel or berth obstruction by any vessel, object, or structure:

4.17.5. or any other equivalent circumstance as declared by the Harbour Master.

4.18. **Master**, in relation to any Vessel, means any person, other than a Pilot, having or taking the command, charge, management or conduct of the vessel for the time being.

4.19. **Moored**, in relation to any vessel, means:

4.19.1. made fast to a mooring chain or mooring buoy either ahead or astern or both, or

4.19.2. secured alongside any vessel so secured, or

4.19.3. Secured both ahead and astern by anchors, or

4.19.4. secured ahead by anchor and astern by mooring ropes to a quay or dolphin, or

4.19.5. secured to a single point mooring.

and in relation to a platform or barge, may additionally mean jacked up on legs.

4.20. **Navigable Channels** means all buoyed and marked fairways within the limits of the Authority Areas.

4.21. **Navigation Exclusion Zone** means an area which vessels are not permitted to enter as designated by the Harbour Master including:

4.21.1 The areas within 450 meters of the Single Point Mooring Towers and the Liquefied Petroleum Gas Jetty are reserved for vessels berthing there. Unauthorised navigation in these areas is prohibited.

4.22. **Nominated Hazardous Vessel** means every vessel which is:

4.22.1. a vessel carrying liquid bulk dangerous cargoes with flammable or toxic properties, or which has non-gas free cargo spaces resulting from carriage of such cargoes.

4.22.2. a vessel carrying liquefied gas in bulk or which has non-gas free cargo spaces resulting from carriage of such cargoes;

4.22.3. a vessel carrying explosive substances classified as Class 1.1, 1.2 or 1.3 in the International Maritime Dangerous Goods Code (IMDG) Code, of which the cumulative net explosive quantity exceeds 50 tonnes and or Dangerous Goods in Harbour Areas Regulations 2016; or

4.22.4 any other vessel which the Harbour Master considers should be classed as a nominated hazardous vessel due to the nature of her cargo.

4.23. **Notice to Mariners** means a navigational procedure or navigational safety notice issued by the Authority to vessels intending to navigate in or through the Authority's area. Notices are consecutively numbered, starting with No.1 on the 1st. January of each year, and are distributed and displayed on the OICHA website – www.orkneyharbours.com

4.24. **Operational Quay** means any quay, as defined as such at www.orkneyharbours.com, where the majority of work undertaken is of a commercial nature. Quays so defined will be listed annually and are subject to change at the Harbour Authorities discretion.

4.25. **Orkney Marine Services Headquarters** means the Harbour Authority Building located at Scapa, Orkney, KW15 1SD, which operates Orkney VTS on a continuous 24-hour basis by the Orkney Islands Council Statutory Harbour Authority.

4.26. **Orkney VTS** means a designated vessel traffic service operated and authorised by the Authority offering a vessel traffic service to vessels within the Authority Areas.

4.27. **Orkney VTS Area** is that as defined in section 4.2.1 and 4.2.2.

4.28. **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 their agent in relation thereto; when used in relation to a vessel, includes any owner, part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel; and when used in relation to a vehicle includes any owner, part owner or agent or person having charge of the vehicle for the time being.

4.29. **Passenger Vessel** means a vessel equipped and certificated for the carriage of more than 12 passengers, irrespective of size.

4.30. **Personal Watercraft** means any type of craft which is capable of moving under its own mechanical power, is used, navigated or situated wholly or partly in or on water, and is capable of being used to carry one or more persons and includes, but is not limited to jet skis, jet bikes and all similar designs of personal transportation on water.

4.31. **Pilot** means any person authorised by Authority under section 3 of the Pilotage Act 1987 to act as a pilot within the areas defined in section 4.2.1 and 4.2.2.

4.32. **Pilotage Exemption Certificate (PEC)** means a licence issued by the Authority, (in accordance with The Orkney Pilotage Directions 2023), to the Master or certified Deck Officer of a vessel subject to compulsory pilotage, permitting that person to pilot the named vessel through the areas defined in section 4.2.1 and 4.2.2.

4.33. **Port Passage Plan** means a systematic and documented navigational plan with information in accordance with the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), including details of the proposed pilotage, navigational routing, minimum under keel clearance, towage, berth position, and navigation aid status, for all stages of the voyage of the vessel safely from sea to berth, or vice versa.

4.34. **Protected Wrecks** means as marked on UKHO Charts.

4.35. **Quay** means any quay, wharf, jetty, pier, dolphin, landing stage, mooring pile, pontoon, or other structure used for berthing or mooring vessels and includes any roll-on-roll-off bridge or linkspan.

4.36. **Recreational Dive Areas** means the areas approved by the Authority for recreational, leisure, sport, training, or tourism diving activities, which areas follows:

4.36.1 **Scapa Flow**: Within the area defined as follows:

- Commencing at Midland Ness on Mainland;
- Thence along the coast to the east until Ve Ness;
- Thence in a straight line to the western tip of the Calf of Flotta;
- Thence in a straight line to Witing Point on Flotta;
- Thence in a straight line to the Point of Ward on Cava;
- Thence in a straight line to Scald Head on Hoy;
- Thence in a straight line to Midland Ness on Mainland.

And additionally:

- Along the shorelines from the line of low water to a distance seaward of not more than 30 metres from any shoreline, but not within 50m of any buoy or mooring.

4.36.2. **Wide Firth/Shapinsay Sound**: Within the area defined as follows:

- Along the shorelines from the line of low water to a distance seaward of not more than 30 meters from any shoreline, but not within 50m of any quay, buoy or mooring.

4.36.3. **Other Authority Areas**: Within the area defined as follows:

From the line of low water to a distance seaward of not more than 30 meters from any shoreline, but not within 50m of any pier, buoy or structure.

4.37. **Recreational Diving Vessel** means any vessel being used as a base of operations for recreational, leisure, sport, training or tourism diving activities.

4.38. **Recreational Activities** - Swimming, paddle boarding, wind surfing, and any non-powered sport that does not involve a vessel as defined below.

4.39. **Recreational Activity Areas** means the areas approved by the Authority for Recreational Activities These areas for all Authority Areas are defined as follows:

- From the line of low water to a distance seaward of not more than 30 meters from any shoreline, but not within 50m of any pier, buoy, mooring or structure.

4.40. **Reporting Points** means positions within the Authority Areas at which every Vessels over 12m must report to Orkney VTS. These positions are marked on United Kingdom Hydrographic Office (UKHO) navigational charts, and any changes to these Reporting Points or procedures are advised by Notices to Mariners.

4.41. **Restricted Visibility** means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorm, sandstorm or any other similar cause, and visibility of less than 5 cables (0.5 nautical miles) is reported in any part of the Authority's Area.

4.42. **Sailing Vessel** means any vessel under sail providing that propulsion machinery, if fitted, is not being used.

4.43. **Scheduled Wrecks and Proposed Historic Marine Protected Areas** - as defined separately in the above definitions 4.19 and 4.38.

4.44. **Small Vessel** means any vessel the overall length of which does not exceed 8 metres.

4.45. **Unmanned Vehicle** means any vehicle, vessel, aircraft, drone or sub-surface vessel or equipment, whether it be on land, in the air, on the sea or in the water column, that is guided autonomously, by remote control or by elements of both systems regardless of the presence of a human being in or on the vehicle.

4.46. **Underway** means that a vessel is not at anchor, berthed, moored, made fast to the shore, or aground.

4.47. **Vessel** includes every description of vessel, however propelled or moved and includes anything constructed or used to carry persons or goods by water, personal watercraft, non-displacement craft, seaplanes on or in the water, hovercraft, hydrofoil vessels.

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Part III – Vessels

5. Conduct of Masters and Vessels.

Vessel

5.1. Unseaworthy Vessel

A person must not navigate a Vessel in an unsafe or unseaworthy condition within the Authority Areas except as necessary for that Vessel's safety and that of its crew. If a Vessel has a defect that threatens the safety of its crew or other harbour users or inhibits its ability to navigate safely the Master must notify the Harbour Master immediately.

Manning

5.2. Bridge manning The Master of every Vessel underway shall ensure that in addition to the authorised Pilot or PEC holder (when required) there are sufficient qualified persons on the bridge or at the control position capable of:

5.2.1. taking charge of the Vessel,

5.2.2. maintaining a proper look-out at all times by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

5.2.3. when a Pilot is on board, taking and acting upon the Pilot's directions.

5.3. Competent helmsman

5.3.1. The Master of every Vessel shall ensure that it is steered at all times by a person competent to do so and no automatic devices or equipment shall be used for steering purposes unless attended by a competent helmsman.

5.3.2. The Master of every Vessel shall be capable of demonstrating knowledge of legislation and guidelines in force from time to time regarding the use of automatic steering equipment.

5.4. Vessel manning Except with the permission of the Harbour Master, the Master of every Vessel which is within the Authority Areas shall ensure that the Vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:

5.4.1. to attend to their Vessel's moorings;

5.4.2. to comply with any directions given by the Harbour Master for the un-mooring, mooring and moving of their Vessel; and

5.4.3. to deal, so far as reasonably practicable, with any emergency that may arise.

5.5. Carriage and use of VHF radio equipment The Master of every Vessel over 12m shall ensure that when within the Authority Areas the Vessel is equipped with a fixed or portable VHF radio capable of communicating with Orkney VTS.

5.6. Vessels under 12 metres

5.6.1. Vessels of 4m or over shall be equipped with a VHF radio and monitor the Orkney VTS channel (VHF Channels 11 & 14), when underway in the Authority Areas.

5.6.2. Vessels of 4m or under are recommended to be equipped with a VHF radio and monitor the Orkney VTS channel (VHF Channels 11 & 14), when underway in the Authority Areas.

5.6.3. Vessels of 4m or where no VHF equipment is carried, shall contact Orkney VTS by telephone immediately prior to sailing, on berthing.

5.7. **Vessels 12 metres and above** The Master of every Vessel shall:

5.7.1. maintain a continuous listening watch on VHF Channel 11 when underway or anchored in the Authority Areas.

5.7.2. maintain the capability of reporting by VHF while berthed and manned.

5.8. **Continuous listening watch** The Master of every Vessel fitted with or carrying a VHF and Vessel over 12 m, shall maintain a continuous listening watch on the bridge or control position. The listening watch required by this Direction shall be maintained on the VHF Channel 11 or on such other channels as may have been agreed with Orkney VTS.

5.9. **Communications** The Master of every Vessel shall ensure all VHF radio communications within the Authority Areas are factual, as brief as possible and given in accordance with standard radio communication procedures and the IMO Standard Marine Vocabulary.

5.10 **Seaworthiness of vessels and navigational equipment standards.** The Master of every Vessel shall ensure that before arrival within the Authority Areas, and while within the Authority Areas, the Vessel is in all respects seaworthy for the intended voyage, and navigational equipment is properly maintained and operational to the standards required by the Vessel's Flag State Authority, the UK Port State Control and for the purposes of this Direction.

5.11. **Unsafe or unseaworthy** A Vessel is unsafe or unseaworthy in the Authority Areas if declared so by the Harbour Master.

Part IV – Navigation

6. Navigation

6.1. Navigation under the influence of drink or drugs

6.1.1. A person shall not navigate or attempt to navigate a Vessel when impaired by reason of drink or drugs.

6.2. Vessels to be kept in a moveable condition.

6.2.1. If at any time a Vessel is incapable of being safely moved by means of its own propulsive machinery, the Master or owner shall inform the Harbour Master immediately.

6.3. Vessel leaving dock, marina, quay, or anchorage A Vessel leaving a quay or anchorage shall do so in a manner that does not hazard any berthed or moored Vessel or impede the movement of any Vessel underway.

6.4. Abandonment of Vessels

6.4.1. A Vessel shall not be abandoned in the waters or on the shore of the Authority Areas unless this is necessary for the safety of the crew.

7. Aids to Navigation

7.1 No Vessel shall obstruct, be made fast to, or otherwise interfere with any light, buoy, beacon or any other aid to navigation in the Authority Areas.

7.2 The Master of every Vessel running into, fouling or damaging any such aid to navigation shall notify the Harbour Master as soon as reasonably practicable.

8. Duty to Report

8.1 Duty to report The Master of any Vessel which is berthed, anchored, moored, or underway within the Authority Areas shall report to and keep Orkney VTS fully informed of any matter or incident relevant to safety of people and navigation, environmental protection, and the operation of the harbours.

8.2. Vessels in distress The Master of any Vessel which is abandoned, derelict, missing, sunk, in danger of sinking, stranded or drifting without power, or otherwise in distress shall immediate report that fact to the Harbour Master stating the position of the Vessel and such other particulars as may be required for the safety of navigation.

8.3. Notification of incident

8.3.1. The Master of any Vessel which in any part of the Authority Areas:

8.3.1.1. has been involved in a collision or allision with any Vessel, navigational mark, quay, or other property; or

8.3.1.2. by reason of fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger or damage to other Vessels or property; or

8.3.1.3. is on fire;

8.3.1.4. has been involved in any incident or occurrence which causes or threatens contamination or pollution of the environment by any means;

8.3.1.5. has grounded or sunk

shall as soon as possible and in any event within 24 hours report the occurrence to the Harbour Master and as soon as reasonably practicable thereafter provide the Harbour Master with full details in writing.

8.4. Lost anchor The Master of any Vessel which has slipped or parted from, or lost, any anchor, chain, cable, or propeller shall:

8.4.1. as soon as possible report it and the position to the Harbour Master and, if the Harbour Master so directs, shall cause it to be recovered as soon as reasonably practicable;

8.4.2. leave a buoy to mark the position thereof if known.

8.5. Ability to manoeuvre The Master of any Vessel which has its ability to manoeuvre impaired shall, before entering the Authority Areas, inform Orkney VTS of the vessel's condition, and shall not enter without the consent of the Harbour Master and subject to any movement restrictions which they may impose.

9. Reporting of Vessel Movements

9.1 Vessel movement reporting and clearance This General Direction applies at all times to every Vessel, which is proposing to navigate, or underway within the Authority Areas.

9.1.1. Every Vessel must report on:

- Arriving at or departing from a harbour area.
- Arriving or departing a berth.

9.2. Movement of Vessels over 12m in length. The Master of every Vessel shall not leave its berth, anchorage or mooring or navigate through the Authority Areas at any time without informing the Harbour Master and must:

9.2.1. Inform Orkney VTS immediately prior to the commencement of navigation.

9.2.2. Inform Orkney VTS on completion of the movement or when passing the seaward limit of the Authority Areas.

9.3. Reporting points The Master of every Vessel over 12m shall ensure that a report is made to Orkney VTS when the Vessel passes each designated Reporting Point, as marked on current United Kingdom Hydrographic Office (UKHO) charts and ALRS – Volume 6 Part 1.

10 General Navigation Instructions

10.1. A small Vessel or sailing Vessel shall not impede the passage of a Vessel, which can safely navigate only within the deep-water passage.

10.2. A Vessel engaged in fishing shall not impede the passage of a Vessel, which can safely navigate only within the deep-water passage.

10.3. Every Master who lays any static fishing gear including Fishermen's keep boxes within the Authority Areas shall ensure that throughout the time it is in place it is clearly marked by floats or flags so as to be visible at all states of the tide and shall ensure any such devices are not in any Fairway or Designated Anchorage or the exclusion zones specified in Section 17 of these General Directions.

10.4. A Vessel shall not, except in an emergency, anchor within the recommended routes as per the UKHO charts BA35 and BA2584 except for Designated Anchorages.

10.5. A Vessel shall keep as near to the outer limit of the channel which lies on its starboard side as is safe and practicable.

10.6. Vessel must be navigated at all times with due care and attention and in such a manner so as not to endanger the safety of, or cause nuisance to, any other Vessel, person or property.

10.7. A power-driven Vessel navigating against a tidal stream shall if necessary, slacken speed or stop their Vessel so as to allow any Vessel navigating with the tidal stream to pass clear of their Vessel.

10.8. A small Vessel shall not navigate or make use of the anchorages, or approaches to wharves, piers and jetties in such a way as to cause obstruction or impede Vessels.

10.9. A small Vessel shall maintain a minimum distance of 100 metres (subject to navigational draught/sea bed restrictions) from any Vessel berthed alongside or at anchor which is engaged in loading or discharging dangerous substances as indicated by that Vessel displaying an all-round red light by night or a red flag by day in accordance with the Dangerous Goods in Harbour Areas Regulations 2016, and any subsequent amendments.

10.10. A Vessel shall not enter or cross a channel within the Authority Areas in such a manner as to impede or endanger the movement of any Vessel already underway in that channel.

10.11. A Vessel in transit through the Authority Areas shall not impede Vessels confined to using the recommended routes as marked on UKHO Charts numbers BA35 and BA2584

11. Use of deep-draught recommended tracks

11.1. Vessels Constrained by their Draught shall have priority of movement within the Deep-Draught recommended tracks as detailed on UKHO charts numbers BA35 & BA2584.

11.2. A Vessel shall not undertake pilotage transfer operations in any part of the recommended tracks without permission of the Harbour Master.

12. Vessel speed limits in Authority Areas

12.1. The Master of every Vessel shall at all times proceed at a safe speed so that the Vessel can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

12.2. Except with the permission of the Harbour Master, the Master of every Vessel navigating in the Authority Areas shall comply with the following Vessel maximum speed limits, “over the ground”

- Within 500m of any Quay or pier – 8 Kts
- Within 500m of any beach or breakwater – 8 Kts
- Within 500m of any anchored vessel or object – 8 Kts

13. Port Passage Plans

13.1. **Port passage plans** - Prior to navigating in the Authority Areas, the Master of every Vessel must have prepared an appropriate Port Passage Plan which must be part of or provide a seamless overlap with the Vessel's Voyage Plan and be clear to the Master, Pilot and Orkney VTS.

13.2. **Piloted Vessels** The Master of every regulated Vessel using the services of an authorised Pilot shall record agreement between the Master and Pilot of the Port Passage Plan using the SF/06/001 Port Pilotage Briefing Document to confirm the Master/Pilot exchange.

13.3. **Prior logging of passage plans** The Master of every Vessel holding a Pilot Exemption Certificate and whose vessel visits on a regular schedule shall submit a set of standard arrival and departure port passage plans to the Harbour Authority.

14. Navigational risk assessment

14.1. **Application** Any Vessel or Vessel operation in the Authority's Marine Safety Management System and intending to navigate or operate within the Authority Areas shall if required by the Harbour Master be subject to a formal marine (navigational) risk assessment prior to entering in or operating within the Authority Areas.

14.2. **Provision of information** When a Vessel is required to submit to a formal marine (navigational) risk assessment the Harbour Master shall be provided with any information required to undertake the risk assessment of the Vessel's navigation or operation.

15. Restricted Visibility

15.1. **Restricted visibility** This General Direction applies to all Vessels underway when there is restricted visibility.

15.2. **Vessel speed** The Master of every Vessel shall proceed at a safe speed and have her engines ready for immediate manoeuvre so that the Vessel can take proper and effective action in the prevailing circumstances and conditions.

15.3. **Vessel separation** The Masters of every Vessel underway in a navigable channel shall not overtake or close within 5 cables of another Vessel underway in the same direction.

15.4. Non-operational radar Except as expressly permitted by the Harbour Master, no Vessel without radar equipment in satisfactory working order will be permitted to navigate through the Authority Areas in conditions of restricted visibility.

16. Movement of Nominated Hazardous Vessels

16.1. Navigation of nominated hazardous vessels The Master of every Nominated Hazardous Vessel when underway in a navigable channel shall:

16.1.1. not close within 5 cables (0.5 n. miles) of a passenger Vessel underway in that area.

16.1.2. not navigate while there is another Nominated Hazardous Vessel underway in that area without permission of the Harbour Master.

16.2. When there is restricted visibility, or if unusual traffic or weather conditions warrant, the Harbour Master may restrict or not authorise the movement of Nominated Hazardous Vessels.

17. Navigation exclusion zones

17.1. In the event of a major marine, environmental or security incident, the Harbour Master may, if necessary, designate any area as a Navigation Exclusion Zone within the Authority Areas.

17.2. No Vessel shall remain in, enter, or pass through a Navigation Exclusion Zone without the express permission of the Harbour Master, with the exception of Vessels subject to the direction of the Maritime and Coastguard Agency or any other statutory body or SOSREP for lifesaving, salvage or other purposes associated with the incident.

17.3. Every Vessel already within the Navigation Exclusion Zone which is not required for lifesaving, salvage, or other purposes must clear the area immediately when instructed to do so.

17.4. The designation of a Navigational Exclusion Zone shall be promulgated on behalf of the Harbour Master by Orkney VTS.

17.5 A standing navigation exclusion zone around Flotta Terminal is in force and is shown on UKHO Chart 35. Namely – 450m of the loading Jetty and SPMs. As detailed in 4.21.1

18. Declaration of Particulars of vessel

18.1. Declaration of particulars of Vessel

18.1.1 The Master of any Vessel arriving at the Harbours shall, if required by the Harbour Master, furnish to him a declaration on a Consolidated European Reporting System (CERS) form containing a correct statement of the gross tonnage and draught of the Vessel, its last port of call, ownership, destination and particulars of its cargo.

18.1.2 The Master of any Vessel who intends to land or trans-ship cargo within the Authority Areas, including fishing Vessels and fish farm Vessels, shall, before doing so, notify the Harbour Master of this intention and shall furnish him with particulars of the carrying Vessel and the cargo.

19. Towage

19.1. No Vessel shall tow or navigate a float, pontoon, raft of timbers, floating pipeline or flotilla of boats which exceeds 65 metres in length overall without the permission of the Harbour Master, and in accordance with their directions.

19.2. The Master of every Vessel must ensure that on all occasions adequate towage resources are available for the safe control of the Vessel during manoeuvring, berthing or unberthing in the prevailing circumstances and conditions with regard to the handling characteristics of the Vessel, windage allowance and any other specific requirements.

19.3. Where agreement between the Pilot and the Master of a Vessel over the appropriate number or type of tugs cannot be reached, the Pilot is to inform Orkney VTS of this failure to agree. The Harbour Master will then withhold permission for that Vessel to proceed until such agreement has been reached.

20. Unmanned Vehicles and Autonomous Vehicles including Drones

20.1. No unmanned vehicle or autonomous vehicle is to enter or operate within the Authority Areas without the permission of the Harbour Master.

20.1.1. Permission to operate will only be granted after the submission of the following:

- A detailed operations plan.
- Provision of proof of full liability and indemnity insurance.
- A case specific risk assessment.
- Agreement to clear and detailed approach constraints to other users on the surface, subsurface and in the air.
- Confirmation of compliance by the operator with these General Directions.

20.2. No private or personal drone is to be operated within the Authority Areas without permission of the Harbour Master.

20.2.1. Private or personal drones are not to approach a Vessel or craft within:

- 500m horizontal separation.
- 500ft vertical separation.

Part V – Vessel Traffic Service

21. **Orkney Vessel Traffic Service** the Authority operates a 24-hour Vessel Traffic Service from Orkney Marine Services Headquarters for all Vessels navigating in:

21.1 **Scapa Flow and Wide Firth/Shapinsay Sound.**

22. **Application** Orkney VTS rules and regulations as defined in ALRS Volume 6 are to be complied with by:

22.1. All Vessels with a length overall of 12m or greater.

22.2. All Vessels certified to carry 12 persons or more, including vessel crew.

23. **Service Provision** Orkney VTS will provide the following services:

23.1. **Navigational Information** – The provision of timely and relevant information on factors that may influence a Vessel's movement and assist with on board decision making. Such information may be part of routine broadcasts or may be requested by the Master of a Vessel. The information provided may include:

23.1.1 Weather Forecasts.

23.1.2. Current Weather Conditions.

23.1.3. Tidal Information.

23.1.4. Traffic Information Broadcasts – Covering large Vessels, restricted Vessels, limitations on Vessel movements, cruise ships or similar Vessels of note.

23.1.5. Notices to Mariners.

23.1.6. Reporting formalities.

23.1.7. Any in force temporary amendments to published procedures.

23.1.8. Navigational warnings regarding activities and hazards, such as uncharted obstacles, recent wrecks, marine activity or any other such hazard to navigation.

23.1.9. Diving activity in the immediate vicinity of quays or navigation routes outside of approved recreational dive areas.

23.1.10. Any limitation to VTS equipment likely to affect the delivery of the published services.

23.1.11. Any other navigational equipment failure within the area.

23.1.12. Information on tugs or pilotage services and operations.

23.2. **Monitoring and Management of Traffic** – Within the limits of the manning and equipment of Orkney VTS, monitor and manage Vessel traffic to ensure the safety and efficiency of Vessel movement within the defined areas. This may include:

23.2.1. Organising the allocation of anchorages, or berths.

23.2.2. Planning and prioritisation of ship movements.

23.2.3. Deconfliction of nautical activities.

23.2.4. Maintenance of mandatory reporting by vessels.

23.2.5. Establishing and monitoring safety and exclusion zones.

24. Instructions and Directions

24.1. The Master of a Vessel shall make every effort to comply with an instruction issued by Orkney VTS and shall comply with a direction issued by the Harbour Master.

24.2. Where such instruction or direction cannot be complied with due to the limitations of the Vessel or equipment involved, this, and the reasons, should be communicated to Orkney VTS immediately.

Part VI – Berthing and Mooring

25. Mooring, berthing or anchoring

25.1. When mooring, berthing or anchoring within the Authority Areas the Master of every Vessel must comply with the following Directions:

25.2 **Permission to berth** A Vessel shall not berth without the permission of the Harbour Master. Once berthed, the Vessel shall not change berth or wind ship without permission of the Harbour Master.

25.3 **Vacating the Berth.** A Vessel shall move away from the berth or mooring when required to do so by the Harbour Master.

25.4. **Permission to anchor** A Vessel shall not anchor without the permission of the Harbour Master except in case of an emergency to avoid collision, drifting, running aground or damaging any other Vessel or property.

25.5. **Anchoring position** The Master of every Vessel which is given permission to anchor shall ensure the Vessel is anchored within the limits of Designated Anchorages.

25.6. Notification to anchor

25.6.1. The Master of every Vessel to which this General Direction applies is required to notify Orkney VTS of the proposed position in which it is requested to anchor the Vessel. This notice must be given in sufficient time to enable Orkney VTS to direct the Master to place the Vessel in an alternative anchorage if required.

25.6.2. A Vessel shall not be anchored for a period greater than 14 days without the permission of the Harbour Master.

25.7. **Designated anchorages** The Master of every Vessel shall anchor within the limits of the following designated anchorages:

25.7.1. Scapa Flow Anchorage – as marked on UKHO chart number BA35.

25.7.2. Kirkwall Anchorage – as marked on UKHO chart number BA2584.

25.8. **Emergency anchorage** If, in an emergency, a Vessel is obliged to anchor otherwise than in accordance with this General Direction, the Master of such a Vessel shall, as soon as possible thereafter, inform Orkney VTS.

25.9. **Vessels not to be made fast to buoys etc.** A Vessel shall not be made fast to or lay against another buoy or mooring without the permission of the owner.

25.10. **Vessels not to be made fast to unauthorised objects** A Vessel shall not be made fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

25.11. **Vessels not to lie or be moored so as to prevent free transit** A Vessel shall not be anchored or moored:

25.11.1. so as to obstruct any deep-water channel in the Authority Areas, or

25.11.2. so as to impede the movement of any other Vessel, or

25.11.3. within 60 metres of a deep-water channel, except within a designated anchorage.

25.12. Vessels to be properly berthed.

25.12.1. A Vessel which is berthed or lying at a quay shall always keep the Vessel close alongside, securely made fast, and properly and effectively moored and shall comply with such directions concerning the number, size and position of moorings as the Harbour Master may give.

25.12.2. A Vessel shall not remain at a berth except with the permission of the Harbour Master or the owner of the berth.

25.13. Access to berthed Vessels

25.13.1 Access to berthed Vessels shall be safe, secure and free of all obstructions and hazards.

25.14. Vessel abreast

25.14.1. Except with the permission of the Harbour Master, a Vessel shall not be moored or anchored abreast of another Vessel where the number of Vessels abreast exceeds two.

25.14.2. Where Vessels are lying abreast alongside a quay:

25.14.2.1. the outboard Vessel shall keep their Vessel sufficiently lit at night and in conditions of reduced visibility to alert other Vessels to its position; and

25.14.2.2. each Vessel shall allow facilities for the free and safe passage across or over the deck of their Vessel to or from any other Vessel lying further from the quay.

25.14.2.3. If required to do so by the Harbour Master, a Vessel on mooring alongside a quay or pier or alongside any Vessel(s) already berthed within the Harbour, shall give free access across the deck of his/her Vessel(s) for persons and goods to and from Vessel(s) berthed alongside his/her Vessel.

25.14.2.4. Safe access between Vessel(s) shall be provided by the respective Vessel(s) with the highest freeboard. Each and every Vessel moored alongside another Vessel shall as far as is reasonably practicable have a minimum of one mooring line (for and aft) to the shoreline.

25.15. Use of engines while Vessel is moored or berthed A Vessel which is berthed at a quay or attached to any mooring shall not permit the engines of their Vessel to be worked in such a manner as to cause, or be likely to cause, injury or damage to the bed or banks of the Harbour or to any other Vessel or property.

25.16. Vessels moored to exhibit lights etc. A Vessel moored in any part of the Harbour, other than an area designated as a small Vessel mooring area by the Harbour Master, shall cause to be exhibited the lights or shapes required by the Collision Regulations.

25.16.1. **Small Vessels.** The Master of every small Vessel which is moored in an area designated as a small Vessel mooring area as defined in the Orkney Islands Marina Publication is not required to exhibit the lights or shapes as prescribed in the Collision Regulations.

25.17. Provision of proper fenders The Master of a Vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their Vessel and,

when berthing and leaving or lying at a quay against other Vessels, the Master shall cause the Vessel to be fended off from that quay, or those other Vessels so as to prevent damage to that quay, those other Vessels or other property. Fenders shall be of such material as to ensure that they do not sink if lost overboard.

25.18. **Moorings** The Master of a Vessel which is moved from its moorings (in a tier of vessels) must ensure that the moorings of any other Vessel disturbed in the process are made safe.

25.19. **Laying of Moorings, Buoys or Other Equipment.** No person shall lay down a mooring, buoy or other equipment attached to the seabed without the permission of the Harbour Master. Any such mooring so placed will be removed, with costs allocated to the owner thereof.

25.20. **Private Chains, Ropes or Wires.** No private chain, rope, or wire is to be permanently affixed to any mooring, pier or quay without the permission of the Harbour Master.

25.21. **Hours of Darkness** Unless a Vessel is being loaded or unloaded, or there is a person onboard a person responsible for the guarding of open hatches. the hatches shall always during the hours of darkness be kept closed.

25.22. **Projecting Goods or Equipment.** Save as far as is necessary for the purpose of embarking or disembarking or the loading or unloading of goods and cargo the Master of a Vessel lying or moored at any quay shall ensure that no small boats, anchors or other gear shall project beyond the hull of the said Vessel.

25.23. **Loading and Ballasting.** All Vessels shall be always kept so loaded or ballasted as to be safely navigated or moored. The Master shall regulate such loading or ballasting in accordance with any directions which may be given by the Harbour Master.

25.24. **Houseboats.** No houseboat or pleasure craft used for residential purposes, or as the sole accommodation or registered domicile for an individual or individuals, shall be moored in the Authority Areas.

Part VII – Diving and Recreational Activities

26. Diving

26.1. **Commercial Diving** Commercial diving for fishing, engineering, and maintenance on Vessel, structures, or sea bed, may be authorised by the Harbour Master.

26.2. **Recreation, Sport, Training, Tourism and Leisure Diving.** – Is restricted to the Recreational Diving Areas. Prior permission is required from the Harbour Master and the relevant land or Wreck owner prior to the undertaking any diving activity in these areas.

26.3. **Wreck of MV PRUDENTIA** – Diving on or in the vicinity of this wreck is not permitted.

26.4. **Recreational Dive Vessel Operations** – Recreational Diving Vessels whether operated commercially, as part of club or organisation, or as a private vessel must obtain from the Authority an Operations Permit to operate in the Recreational Dive Areas as a dive tender. All such Vessels require to provide proof of dive management systems being operated, a working ship safety management system, and sufficient Third-Party Liability insurance to the Harbour Authority. Forms are available from the Harbour Authority or the website www.orkneyharbours.com

- **Commercial Operators (dive tender)** – May request an annual permit to operate as a dive tender within Authority Areas.
- **Club and Private Vessels** – Must request a vessel permit for each period of dive operation, with the exception of the Orkney Dive Club, who will be treated as a Commercial Operator regarding these directions.

26.5. **Recreational Dive Declarations.** Recreational Dive Declarations for each diver are required to be submitted to the Harbour Authority a minimum of 72 hours prior to each planned recreational Dive, these can be found on the Harbour Authority website www.orkneyharbours.com

- in respect of **Groups, Clubs and Associations** –by a named and nominated Dive Supervisor in respect of each diver, or otherwise by the individual undertaking the diving.

26.5.1 **Recreational Dive Declarations Duration** are for a minimum 24 hour period and may be used to cover consecutive 24 hour periods, provided no break in proposed diving exceeds 18 hours.

26.6. **Recreational Dive Declarations - Commercial Operators (dive tender)** may act in the capacity of a Dive Supervisor for individuals using their services.

26.7. **Scheduled and Protected Wrecks.** By submitting Recreational Dive Declaration individuals confirm they have read and understood the requirements surrounding the Scheduled and Protected Wrecks in the Authority Areas. Proof of prior permission from the owner to dive Scheduled Wrecks should be submitted with the Recreational Dive Declaration.

26.8. **Diving Operations Safe Distance** – All vessels are to maintain a distance of 100 meters or more from Vessels, or shore teams conducting diving operations.

26.9. Dive Time Allocations – The location of Dive Boats within the Recreational Dive Area will be allocated on a first arrival basis. Vessels should co-ordinate between themselves on VHF Ch8 to deconflict dive locations and timings. The first Vessel in the area is to act as the areas dive co-ordinator.

26.10. Recreational Diving Co-ordination – Within the Recreational Dive Area Recreational Dive Vessels are to co-ordinate their locations and separations between themselves on VHF Ch8. The first to arrive is to act as area co-ordinator.

26.11. Recreational Diving Allocations – In periods of high Recreational Diving activity Orkney VTS will instigate time slots for differing types of craft. Implementation will be broadcast on VHF Ch8. The following time slots will apply:

0001 – 0800	Soft boats/Rhibs
0800 – 1100	Hard Boats/local dive boats
1100 – 1400	Soft boats/Rhibs
1400 – 1700	Hard Boats/local dive boats
1700 – 2000	Soft boats/Rhibs
2000 – 2359	Hard Boats/local dive boats

27. Recreational Activities

27.1. Recreational Activities are restricted to Recreational Activity Areas.

27.2 Those Engaged in Recreational Activity shall:

- Avoid entering all navigational channels and fairways;
- Not approach within 10m of any vessel, irrespective of size;
- Shall not impede the movement of any Vessel, irrespective of size

27.3. Swimmers - Swimmers shall make every effort to make themselves visible to all other harbour users.

27.4 Personal Water Craft - The following specific rules apply to Personal Water Craft:

27.4.1. Speed – Personal Watercraft are to obey all speed limits as defined in these directions.

27.4.2. Areas of Operation - Except when approaching or leaving a quay, berth or slipway, Personal Watercraft are not permitted to operate within the Recreational Activities Areas.

27.4.3. Consideration for other Users – Personal Watercraft are to be operated with due consideration and care for all other harbour users.

27.5 Notice of Recreational Event – The Organiser of any yacht, boat or leisure event that is proposed to take part within the harbour must give not less than 4 weeks' notice in writing to the Harbour Master and must also submit a risk assessment of the event in accordance with the Port & Marine Facilities Safety Code. The Harbour master's in special circumstances may agree to a shorter period of notice.

Part VIII – Dangerous Goods, Ballast Water & Pollution.

28. Notification of Dangerous Goods

28.1. General

28.1.1. All Vessels carrying dangerous or polluting goods as classified or defined in the International Maritime Dangerous Goods Code (IMDG), Chapter 17 of the International Bulk Carriers Code (IBC), Chapter 19 of the International Gas Carriers Code (IGC) and MARPOL (Annex I, II) must comply with this Direction in accordance with the Dangerous Goods in Harbour Areas Regulations 2016 and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004.

28.1.2. Any Vessel carrying liquid dangerous substances in bulk within the Authority's area shall hold a valid certificate for the carriage of that substance in bulk issued under the authority of the government of the vessel's country of registration. The existence and validity of such a certificate must be confirmed at the time by notification and the Harbour Master may examine such certificate.

28.1.3. Any Vessel carrying dangerous goods in excess of 50 kg is to display at all times with Harbour Limits, whilst underway, moored or at anchor a Flag 'B' of the International Code of Signals. At night they are also to display an all-round red light at the foremast with a visible range of 2Nm between the hours of sunset and sunrise.

28.2. **Inward vessels** A Vessel carrying dangerous or polluting goods as detailed in 4.22 entering or passing through the Authority Areas must notify the Harbour Master 24 hours in advance, or on departure from the previous port if less than 24 hours, of such goods prior to such entry.

28.3. **Outward vessels** Carrying dangerous goods or polluting substances departing a berth or an anchorage must notify the Harbour Master of such goods prior to departure from the berth or anchorage.

28.4. Notification

28.4.1. Notification of dangerous or polluting goods for inward and outward Vessels of goods to be unloaded or loaded must be in the CERS format.

As a minimum this must contain the following particulars:

- The correct technical names of the dangerous or polluting goods.
- The United Nations (UN) numbers where they exist;
- The IMO hazardous classes in accordance with the IMDG, IBC and IGC codes;
- Where appropriate the class of ship as defined by the INF Code;
- The quantities of such goods and their location on board and if they are being carried in cargo transport units other than tanks, the identification number of the unit.

29. Ballast Water

29.1. **Discharge** A Vessel shall not discharge water ballast into the Authority Areas without the permission of the Harbour Master except in the case of emergency in order to ensure the safety of the Vessel. The Master shall inform the Harbour Master immediately.

29.2. **Exchange of Tanks** A vessel shall not enter the Authority Areas unless the ballast tanks of the Vessel have been exchanged before entry in such a way as to ensure so far as reasonably practicable that non-native marine organisms are not introduced into the Authority Areas.

30. Polluting Substances

30.1. **Carriage of dangerous goods or polluting substances** This Direction applies to all Vessels within the Authority Areas.

30.2. **Bunkering** The Master of every Vessel intending to undertake any operation involving the fuelling of a Vessel, the transfer or removal of waste oil, or the transfer of oil carried as a cargo to or from any other Vessel, port terminal or plant shall obtain the permission of the Harbour Master. Permission shall not be refused except: -

30.2.1. for the purpose of safeguarding the Authority Areas from pollution.

30.3. **Escape of polluting substances** The Master of every Vessel carrying oil, chemical cargo, dangerous substance as defined in the Dangerous Goods in Harbour Areas Regulations 2016 which is escaping or likely to escape from their Vessel shall immediately on becoming aware of the escape or likely escape: -

30.3.1. notify the Harbour Master;

30.3.2. take all practicable steps to prevent further escape;

30.3.3. not use or permit the use of any chemical dispersant without the permission of the Harbour Master.

Where this General Direction applies a Vessel shall not enter the Harbour except in accordance with the Harbour Master's directions.

Part IX – General

31. General

31.1. Granting of permission Any permission required by these Directions may be granted subject to such conditions as the Harbour Master may think fit and what is permitted shall only be carried out in accordance with such conditions.

31.2. Inspection facilities, etc., to be made available to Harbour Master The Master of a Vessel shall so far as may be required by the Harbour Master in the exercise of his/her duties, afford the Harbour Master access to any part of the Vessel and provide all reasonable facilities for its inspection and examination.

31.3. Vessels not to be fumigated without permission The Master or owner of a Vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

31.4. Vessels requiring to vent tanks without permission The Master or owner of a Vessel shall not permit cargo tanks to be vented without prior permission of the Harbour Master.

31.5. Assistance to fire and other services The Master of a Vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

31.6. Fire Precautions The Master of a Vessel shall take all reasonable precautions for the prevention of accidents by fire.

31.7. Trespass. No person shall enter or remain on harbour premises, piers or quays or any part thereof unless he has lawful business or has permission from the Harbour Master.

31.8 Disorderly Behaviour No person shall use threatening, abusive, indecent, obscene or offensive language or behave in such manner as is calculated to cause offence, disturbance or breach of the peace, nor molest or wilfully interfere with the comfort or convenience of other persons.

31.9 Intoxication. No person shall be permitted within the Authority Areas whilst under the influence of drugs, alcohol, or any other such substance.

31.10 Defacing Premises, Property or Equipment. No person shall write upon, soil, deface, mark, injure, disable or interfere with any of the quays, property, building, equipment or infrastructure or any other part of the premises.

31.11 Obstructing Officers No person shall resist, obstruct or impede any of the Harbour Authority's officers or servants in the execution of their duty, or disobey their lawful order. Any such order should be complied with immediately.

31.12 Rubbish and Littering No person shall throw, cast, or cause or procure to be thrown or cast, any dirt, rubbish, soil, ashes, plastic, food waste, or any other matter or any other injurious or polluting substance, whether solid or liquid, into the Authority Areas or any associated land, pier, quay or jetty.

Part X – Penalties

32. Penalties

32.1 Contravention of Directions Any person who contravenes or otherwise fails to comply with any of these directions or any condition, requirement or prohibition imposed by the Harbour Master in terms of these directions shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level four of the standard scale of fines referred to in section 225 of the Criminal Procedure (Scotland) Act 1995 as amended.

32.2 Defence In any proceedings for an offence under these directions, it shall be a defence for the person charged to prove:

32.2.1. that they took all reasonable precautions and exercised all diligence to avoid the commission of such an offence; or

32.2.2. that they had reasonable excuse for their act or failure to act.

Part XI – Fishing Vessel Code of Practice

33. Fishing Vessel Code of Practice for the Safety of Fishing and Fishing vessels (code of practice) 2017 to be followed by all Vessels engaged in fishing within Authority Areas.

33.1. Any fishing Vessel underway, whether engaged in fishing or not, will maintain a continuous listening watch on VHF Channel 11.

33.2. All fishing Vessels, prior to commencement of fishing, shall report to Orkney VTS (when in Scapa Flow or Kirkwall):

33.2.1. Name and registration of Vessel

33.2.2. Approximate area of operation

33.2.3. Approximate direction of operation

33.2.4. Any change of operation

33.3. Orkney VTS, on receipt of a fishing Vessel's report, shall report to the fishing Vessel:

33.3.1. Vessel traffic within the planned operational area

33.3.2. Expected Vessel traffic within the planned operation area

33.3.3. Any other information relevant

33.3.4. Maintain a record of the fishing Vessel's report

33.4. All fishing Vessels, on completion of fishing, shall report to Orkney VTS:

33.4.1. Fishing operations completed

33.4.2. When clear of the area

Part XII - Vessel reporting

34.1. Inward reporting procedure

34.1.1. **Initial Report** All Vessels must submit, via either direct access by an approved login to Port Management Information System or email: marine.ops@orkney.gov.uk not less than 24 hours before ETA (or as soon as departure from previous Port), a report containing the following:

- 34.1.1.1. Vessel name
- 34.1.1.2. IMO number
- 34.1.1.3. Last port
- 34.1.1.4. Destination
- 34.1.1.5. Draught
- 34.1.1.6. Number of persons on board
- 34.1.1.7. ISPS level
- 34.1.1.8. Pilot required or PEC number
- 34.1.1.9. ETA at Pilot Station

34.1.2. **Vessels Requiring a Pilot.** All Vessels requiring a Pilot must report to Orkney VTS on VHF Channel 11 confirming two hours, or when within VHF range, to arrival at the Pilot Station.

34.1.3. **Transit Report** All Vessels must report at the designated reporting points as defined in ALRS Volume 6 & marked on the UK Hydrographic Office charts and maintain a listening watch on VHF Channel 11.

34.1.4. **Berthing** All Vessels over 12 metres must report when the Vessel is secured alongside the berth to Orkney VTS.

34.2. Outward reporting procedure

34.2.1. **Confirmation Report** All Vessels over 12 metres must report 30 minutes prior confirmation of departure to Orkney VTS on VHF Channel 11.

34.2.2. **Departure Report** All Vessels over 12 metres must obtain clearance to depart and navigate from Orkney VTS on VHF Channel 11 before letting go from the berth.

34.2.3. **Transit Report** All Vessels must report to Orkney VTS at the designated report points as marked on UK Hydrographic Office charts and maintain a listening watch on VHF Channel 11 until clear of the Authority Areas.

34.3. Anchorage reporting procedure

34.3.1. **Permission to Anchor** All Vessels must obtain clearance to anchor (except in case of emergency) from Orkney VTS on VHF Channel 11 for anchorages within the Orkney VTS Area.

34.3.2. **Anchored** All Vessels must report to Orkney VTS on VHF Channel 11 when the Vessel is anchored within the Authority Areas and maintain a listening watch on that channel.

34.3.3. **Departure Report** All Vessels must report to Orkney VTS on VHF Channel 11 when the Vessel is underway from anchor within the Orkney VTS Area

Annex I - Illustration of Statutory Harbour Area





Enquiries to:

Marine Services
Orkney Islands Council
Harbour Authority Building
Scapa
Orkney, KW15 1SD

Tel: +44 (0) 1856 873636
Email: harbours@orkney.gov.uk
Web: www.orkneyharbours.com



Orkney Harbours General Directions Consultation List

Consultee
UK Chamber of Shipping
Maritime Coastguard Agency
Orkney Fisheries Association
Orkney Marinas Ltd
Orkney Sailing Club
Northern Lighthouse Board
Royal Yachting Association
Westray Sailing Club
Cooke Aquaculture
Scottish Sea Farms
Orkney Ferries Ltd
Northlink Ferries
Pentland Ferries
Royal National Lifeboat Institution (Longhope, Stromness, Kirkwall)
St Margarets Hope Pier Trust
Stromness Sailing Club
EMEC
Orkney Harbours Website
Flotta Oil Terminal

Consultation Responses

<u>Consultee</u>	<u>Feedback</u>	<u>Harbours Response</u>
Orkney Sailing Club	Section 4 - when outlining the authority's areas it would be really useful to have a picture here as well as a description.	Picture to be included as Annex.
Orkney Sailing Club	Section 10.3 - "Every Master who lays any static fishing gear within the Authority Areas shall ensure that throughout the time it is in place it is clearly marked by floats or flags so as to be visible at all states of the tide and shall ensure any such devices are not in any Fairway or Designated Anchorage." Could this also include trailing lines? Some of the lines of the end of the gear around Hatston slip have ridiculously long lines floating around semi submerged and we have had yachts entangled in the last year or two.	Not to be added, not legally enforceable as the definition would be too vague.
Northern Lighthouse Board	No Objections	
MCA	No Objections	
Flotta Marine REPSOL	This was issued following a meeting we had with Jim regarding issues we were having with fishing vessels placing creel within the 450M exclusion zone around the Flotta Jetty and around Sutherland & Gibraltar piers. Could details in the NTM to the General Directions	The exclusion zone area around Flotta will be added as a description as subsequent points amended to specify Flotta, description to be as per BA35.

<u>Consultee</u>	<u>Feedback</u>	<u>Harbours Response</u>
	be included in the General Directions? Sections 10.3 and 17.5	
Cooke Aquaculture	4.11. We think that this should be Dive Contractor, as set out in L104 Reg 5 Diving at Work Regs 1997 ACOP. The dive contractor having control of the diving project.	The definition of Dive Contractor will be added to the section 4 definitions.
Cooke Aquaculture	26.1. "may be authorised by the Harbour Master." We would like this clarified as to what activities will be authorised. Cooke has operated safely with dive contractors with no incidents over the past 10 years. A clearly defined procedure detailing this would be appreciated.	A new section, 1.6 has been added to clarify that if there is in doubt as to these General Directions then get in contact.
Cooke Aquaculture	26.4. Dive Tender. We think that this should read Dive Contractor, as 4.11 above. An annual permit to dive on our sites would be acceptable for us and is a good solution for the volume of diving conducted on our sites. (A dive tender is only responsible for managing anything that is attached to the individual diver, such as his umbilical, comms and lifeline.)	We have clarified the definition of commercial operators to read Recreational Commercial Operators (Dive Tenders) to better delineate between vessels diving on wrecks and commercial operations.
RYA Scotland	Sections 5.6.1 & 5.6.2 While we would strongly encourage all recreational boaters to carry and use a VHF radio, it is often unfeasible for dinghies and rowing boats to carry a fixed VHF radio. Many of these boats	The General Directions do not specify the use of FIXED vhf equipment, handheld may be used. Additional, 5.6.3 states that if not possible, then contact should be made to Orkney VTS.

<u>Consultee</u>	<u>Feedback</u>	<u>Harbours Response</u>
	for example, most Orkney yoles are longer than 4m.	
RYA Scotland	Section 8.3 As it stands, this regulation would require even a minor bump between two dinghies to be reported. I suggest that there should be an exemption to the regulation as is the case for example with Forth by laws	No exemptions will be permitted. The Harbour Authority welcomes and encourages all accidents, incidents and near misses to be reported to promote a culture of continuous improvement and safety.
RYA Scotland	Section 9 as the definition of a vessel given in 4.46 is very wide there should an exemption for recreational vessels.	No exemptions will be permitted. The definition cannot be amended as it is a direct definition from the overarching legislation of the Orkney County Council Act 1974, Part 1, Section 3.
RYA Scotland	Section 10.3 it is unclear whether fishermen keep boxes are included within the term static fishing gear. I think that they should be explicitly mentioned in this regulation. Areas for such activity should be clearly designated and notified to all stakeholder to avoid the risk of entablement with small craft.	Fishermen keep boxes has been added to the definition of static fishing gear. Recreational fishing is permitted in any of the Harbour Area waters except as defined in Section 10.3.
RYA Scotland	Section 10.6 It might be appropriate to request that all traffic approaching and leaving the port facilities should proceed at a speed which does not create potentially hazardous wash, particularly of leisure and commercial users operating at Hatston slip. I recognise that commercial craft need to proceed at a sufficient speed to provide	Not enforceable in a General Direction. All vessels manoeuvre at different speeds and wash created is a resulting consequence of a vessel navigating. Speed limits within proximities to pier infrastructure is specified in section 12.

<u>Consultee</u>	<u>Feedback</u>	<u>Harbours Response</u>
	steerage and that Hatston slip may be a special case due to its proximity to Kirkwall.	
RYA Scotland	Section 13 there should be an exemption for recreational vessels.	No exemptions permitted. Passage plans are a SOLAS requirement Chapter V Regulation 34.
RYA Scotland	Section 15.4 Dinghies and other small craft do not carry radar and in conditions of restricted visibility may be able to navigate safety out with the shipping channels.	This regulation applies to vessels with radar fitting that is not operational. Vessels without radars do not comply with this section.
RYA Scotland	Section 25.4. The Harbour Authority Area includes several recognised anchorages for recreational vessels as described in the Orkney and Shetland Volume of the Clyde Cruising Club Sailing Directions and Anchorages and shown in the Orkney Regional Marine Plan. There should be an exemption for recreational craft using these anchorages.	No exemptions permitted. The Clyde Cruising Club Sailing Directions is not a statutory document within the Harbour Authority Area.
RYA Scotland	Section 34 there should be exemptions for recreational vessels.	No exemptions permitted. Vessels entering are required to report in line with General Directions, list of radio signals etc.
RYA Scotland	Notice of recreational events	Accepted and wording to be added.