SCOTTISH STATUTORY INSTRUMENTS

2025 No. 64

HARBOURS, DOCKS, PIERS AND FERRIES

The St. Andrews Harbour Revision Order 2025

Made - - - -	*11th March 2025*
Coming into force - -	*12th March 2025*

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SCHEDULE — Repeal

The Scottish Ministers ("the Ministers") make the following Order in exercise of the powers conferred by section 14(1), (2A) and (3) of the Harbours Act 1964(**a**) and all other powers enabling the Ministers to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to that Act(**b**).

In accordance with section 14(2) of that Act—

(a) this Order is made following a written application to the Ministers by the St. Andrews Harbour Trustees ("the applicant"), being the authority engaged in improving, maintaining or managing the harbour, and

(b) the Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance, or management of the harbour in an efficient and economical manner and facilitating the efficient and economic transport of goods and passengers by sea and the recreational use of sea-going vessels.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

(**a**) 1964 c. 40; section 14 was relevantly amended by the Transport Act 1981 (c. 56), Schedule 6, paragraphs 2, 3, 4(1) and 14 and Schedule 12 and the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1. See sections 14(7) and 57(1) of the Harbours Act 1964 for the definitions of "the appropriate Minister" and "the Minister". The functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 9.

Notice has been published by the applicant in accordance with the requirements of paragraph 10 of Schedule 3 of that Act(**a**).

The provisions of paragraph 17 of Schedule 3 of that Act(**b**) have been satisfied. No objections were made.

In accordance with paragraph 19(6) of Schedule 3 of that Act(**c**), the Ministers have decided to make this Order with modifications which do not appear to the Ministers to substantially affect the character of the Order.

PART 1

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the St. Andrews Harbour Revision Order 2025 and shall come into force on the day after the day on which it is made.

(2) The St. Andrews Harbour Order 1897 and the St. Andrews Harbour Revision (Constitution) Order 2010 and this Order may be cited together as the St. Andrews Harbour Orders 1897 to 2025.

Interpretation

2. In this Order—

"the 1847 Act" means the Harbours, Docks and Piers Clauses Act 1847(**d**),

"the 1897 Order" means the St. Andrews Harbour Order 1897, confirmed by the Pier and Harbour Orders Confirmation (No.1) Act 1897(**e**),

"the 1907 Act" means the Public Health Acts Amendment Act 1907(**f**),

"the 1964 Act" means the Harbour Act 1964(**g**),

"the 1968 Act" means the Hovercraft Act 1968(**h**),

"the 1992 Order" means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(**i**),

"the 1995 Act" means the Merchant Shipping Act 1995(**j**),

"the 1997 Act" means the Town and Country Planning (Scotland) Act 1997(**k**),

"the 1998 Act" means the of the Scotland Act 1998(**l**),

"the 2010 Order" means the St. Andrews Harbour Revision (Constitution) Order 2010(**m**),

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(**a**) Paragraph 10 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5) and S.I. 2027/170.
(**b**) Paragraph 17 of Schedule 3 was substituted by S. I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5).
(**c**) Paragraph 19 of Schedule 3 was substituted by S.I 2017/1070.
(**d**) 1847 c. 27.
(**e**) 1897 c. 78.
(**f**) 1907 c. 53.
(**g**) 1964 c. 40.
(**h**) 1968 c. 59.
(**i**) S.I. 1992/223.
(**j**) 1995 c. 21.
(**k**) 1997 c. 8.
(**l**) 1998 c. 46.
(**m**) S.I. 2010/403.

"the Commissioners of Northern Lighthouses" means the general lighthouse authority for Scotland, a body corporate constituted by section 193 of, and Schedule 8 to, the 1995 Act(**a**),

"general direction" means a direction given under article 17,

"harbour" means the harbour of St. Andrews as comprised within the harbour limits,

"harbour limits" means the limits of the harbour as defined in article 3,

"harbour limits plan 1" means the plan signed in duplicate with reference to this Order and marked "The St Andrews Harbour Revision Order 2025 Harbour Limits Plan 1" which is deposited at the offices of the Ministers at Victoria Quay, Edinburgh EH6 6QQ and at the offices of Fife Council, at Fife House, North Street, Glenrothes KY7 5LT,

"harbour limits plan 2" means the plan signed in duplicate with reference to this Order and marked "The St Andrews Harbour Revision Order 2025 Harbour Limits Plan 2" which is deposited at the offices of the Ministers at Victoria Quay, Edinburgh EH6 6QQ and at the offices of Fife Council, at Fife House, North Street, Glenrothes KY7 5LT,

"harbour master" means any person appointed as such by the Trustees, and includes the harbour master's duly authorised deputies and assistants and any other person for the time being authorised by the Trustees to act, either generally or for a specific purpose, in the capacity of harbour master,

"level of high water" means the level of mean high water springs,

"master" in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being,

"special direction" means a direction given under article 19,

"the Trustees" means the St. Andrews Harbour Trustees,

"undertaking" means the harbour undertaking for the time being of the Trustees,

"vessel" means a ship, boat, raft or craft of any description however propelled or moved, and includes a displacement craft, a non-displacement craft, a watercraft, a sea plane on the surface of the water, a hydrofoil vessel or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily), and

"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 but does not include a ship or fishing vessel within the meanings given in section 313(1) of the 1995 Act.

PART 2

Duties and Powers of Trustees

Limits of Harbour

3.—(1) The limits of the harbour within which the Trustees exercise jurisdiction as the harbour authority and within which the powers of the harbour master are exercisable, are—

(a) the seaward limits, being the area of St Andrews Harbour and St Andrews Bay shown on harbour limits plan 1—

(i) following the level of mean high water or, where applicable, the seaward boundary of the harbour land referred to in paragraph (b), and

(ii) enclosed by straight red lines commencing at a point 1 at 56°26′00″N, 2°48′15.00″W and extending from there in an easterly direction to a point 2 at 56°26′00″N, 2°38′00″W and extending from there in a south easterly direction to a point 3 at

(**a**) 1995 c. 21. Schedule 8 was amended by section 55 of the Scotland Act 2016 (c. 11).

56°17′41.82″N, 2°34′18.54″W and extending from there in a south westerly direction to a point 4 at 56°16′44.82″N, 2°36′11.76″ W, and

(b) the harbour land being the land (together with existing or future works) shown delineated in red and hatched in black on harbour limits plan 2.

(2) All references in the 1897 Order and the 2010 Order to the "Harbour" and "harbour" shall be construed as references to the "harbour" as defined in this Order.

(3) The harbour land referred to in paragraph (1)(a) shall be deemed to be operational land within the meaning and for the purpose of the 1992 Order and the 1997 Act(**a**).

General Powers of Trustees

4.—(1) The Trustees may take such steps from time to time as they consider necessary or expedient for the improvement, maintenance and management of the harbour and the accommodation and facilities afforded in or connected with the harbour.

(2) For those purposes, and without affecting the generality of paragraph (1), the Trustees may—

(a) improve, maintain, regulate, manage, mark and light the harbour and provide harbour facilities in the harbour (including facilities for the supply by the Trustees of fuel for vessels),

(b) construct, reconstruct, extend, enlarge, alter, replace, relay or demolish structures and works in the harbour,

(c) subscribe for or acquire shares or securities of any body corporate,

(d) maintain such reserve funds as they see fit,

(e) invest any sums not immediately required for the purposes of the harbour,

(f) turn their resources to account so far as not required for those purposes, and

(g) do all other things which in their opinion are necessary or expedient to facilitate the proper carrying on or development of the harbour.

(3) The Trustees may for such price and upon such terms and conditions and subject to such restrictions and for such period as they think fit sell, lease, exchange or otherwise dispose of any land, building or harbour facilities belonging to them which is no longer required by the Trustees for the purposes of the undertaking.

(4) This article does not affect any powers of the Trustees under or by virtue of any other enactment (including this Order).

Power to appropriate parts of the harbour, etc.

5.—(1) Notwithstanding anything in this or any other statutory provision of local application, the Trustees may from time to time set apart or appropriate any part of the harbour, or any lands, works, buildings, machinery, equipment or other property of the Trustees in the harbour, for the exclusive, partial or preferential use or accommodation for any particular trade, activity, person, vessel or class of vessels or goods, subject to the payment of such reasonable charges (other than ship, passenger and goods dues), and to such terms and conditions, as the Trustees may determine.

(2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any part of the harbour, or any lands, works, buildings, machinery, equipment or other property, so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Trustees.

(3) The harbour master or, as the case may be, any such authorised officer may order any person or vessel contravening paragraph (2) to leave or be removed from the site of the contravention.

(**a**) 1997 c. 8. "Operational land" is defined in section 215 to which there are amendments made which are not relevant to this Order.

(4) Section 58 of the 1847 Act shall extend and apply with appropriate modifications to any vessel moored or otherwise positioned in contravention of paragraph (2) above.

(5) In exercising its powers to appropriate or set apart any part of the harbour under paragraph (1), the Trustees shall have regard to the facilitation of—

(a) the public right of navigation in the harbour, and

(b) any public rights of way affecting the harbour,

such that the Trustees shall not restrict such rights more than is necessary for the purpose for which the part of the harbour is appropriated or set apart.

Power to lease, etc.

6. The Trustees may at any time lease or grant the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour for such period or periods and on such terms and conditions as may be agreed between the Trustees and the persons taking the same.

Powers with respect to land, buildings, harbour facilities etc.

7.—(1) The Trustees may for the purposes of the undertaking acquire land, whether by way of purchase, exchange, lease or otherwise.

(2) Without affecting article 6, the Trustees may for such price and upon such terms and conditions and subject to such restrictions and for such period as they think fit sell, lease, exchange or otherwise dispose of any land, building or harbour facilities belonging to them which is no longer required by the Trustees for the purposes of the undertaking.

(3) The Trustees may for the purposes of the undertaking manage, use or develop land belonging to them as they think fit.

Power to dredge

8.—(1) The Trustees or any person authorised by them may from time to time deepen, widen, dredge, scour, cleanse, alter and improve the bed and foreshore of the harbour and the seaward approaches thereto.

(2) The Trustees may use, appropriate or dispose of any material (other than any wreck within the meaning of Part IX of the 1995 Act) from time to time dredged or removed by them from the harbour.

(3) No dredged materials shall be deposited—

(a) in contravention of the provisions of any enactment as respects the disposal of waste, or

(b) in any place below the level of mean high water springs except in such places and in accordance with such conditions and restrictions as may be approved by the Ministers or Crown Estate Scotland or their successors.

Power to enter into arrangements to provide supplies

9. The Trustees may make arrangements for the purpose of providing and supplying fuel, ice and such other requirements as may be made available to vessels using the harbour and in respect of the supply, laying down and maintaining of pipelines, storage tanks, plant, equipment and other apparatus and the execution of ancillary and necessary works for that purpose within the harbour.

Parking places

10. The Trustees may provide facilities within the harbour for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences.

Moorings

11.—(1) The Trustees may provide, place, lay down, maintain, renew, use or remove such moorings, pontoons, buoys and similar apparatus within the harbour as it considers necessary or desirable for the convenience of vessels.

(2) The Trustees may from time to time, on such terms and conditions as they think appropriate, give consent to any person to place, lay down, maintain, renew and use moorings, pontoons, buoys and similar apparatus for vessels in the harbour.

(3) Any person who, without reasonable excuse, places, lays down, maintains, renews or uses a mooring, pontoon, buoy or similar apparatus for vessels within the harbour except under and in accordance with the terms and conditions of a consent given under this article, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any consent given under paragraph (2) shall be valid for such period of time commencing with the date on which it takes effect as the Trustees may decide.

(5) The Trustees may charge a reasonable fee for the giving of a consent under this article.

(6) Consent given by the Trustees under this article does not affect any requirement to obtain the consent of the owner of the sea bed, nor does any consent by the owner of the sea bed affect the requirement to obtain the Trustees' consent under this article.

Power to regulate pleasure craft

12.—(1) A person shall not within the harbour—

(a) let for hire to the public a pleasure craft except with the written approval of the Trustees in accordance with this article, or

(b) carry, or permit to be carried, passengers for hire in a pleasure craft unless the craft, and those in charge of the craft and the navigator, are approved in writing by the Trustees.

(2) Any such approval may be given for such period as the Trustees may think fit and may be suspended or revoked by the Trustees whenever it shall deem such suspension or revocation to be necessary or desirable in the interests of public safety.

(3) The existence of the power to suspend or revoke the approval shall be stated plainly in the approval itself.

(4) A person taking on hire a pleasure craft for purposes other than for profit does not require to be approved as a boatman.

(5) Approval under this article shall not be required for—

(a) any craft which has a relevant certificate issued by the Maritime and Coastguard Agency and valid for the voyage intended or, in the case of hovercraft within the meaning of the 1968 Act, a certificate of safety valid for the voyage intended, or

(b) a pleasure boat or pleasure vessel which is licensed under section 94 of the 1907 Act,

(c) any vessel otherwise authorised by or on behalf of the Maritime and Coastguard Agency.

(6) A person shall not carry or permit to be carried in any pleasure craft within the harbour a greater number of passengers for hire than are specified in the approval applying to such craft, and every owner of any such craft shall before permitting the same to be used for carrying passengers for hire within the harbour, permanently display in letters and figures not less than three centimetres in height and one half centimetre in breadth, on a conspicuous part of the craft, their own name and also the number of persons which it is approved to carry, in the form "Approved to carry [ ] persons".

(7) Any person who acts in contravention of paragraph (1) or (6) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Any person aggrieved by the withholding, suspension or revocation of any approval or by any term or condition subject to which an approval has been given under this article may appeal to the sheriff.

(9) In this article "pleasure craft" means any vessel of not more than 100 tonnes gross used wholly or mainly for recreation or for the carriage of passengers for reward.

Publication of Trustees annual statement of accounts

13.—(1) The Trustees shall prepare an annual statement of accounts as at the end of each financial year.

(2) As soon as reasonably practicable after their annual statement of accounts is prepared, the Trustees shall make a copy of it available, for a period of three months from the date of the preparation, at the offices of the Trustees' accountants for inspection free of charge by members of the public and shall, subject to the payment of a reasonable charge, supply a copy of the statement to any person who requests to be supplied with a copy.

PART 3

Harbour Regulation

Incorporation of sections of the Harbours, Docks and Piers Clauses Act 1847

14.—(1) Sections 1 to 4, 33 to 34, 38 to 39, 42 to 46, 51, 56 to 58 and 63 to 65 of the 1847 Act (so far as applicable and not inconsistent with the St. Andrews Harbour Orders 1897 to 2025) shall be incorporated with this Order, subject to the modifications stated in paragraphs (2), (3) and (4).

(2) In construing the provisions of the 1847 Act as incorporated with this Order—

(a) "the special Act" means the 1897 Order and the 2010 Order and this Order,

(b) "the undertakers" means the Trustees, and

(c) "vessel" has the meaning given in article 2.

(3) Section 63 of the 1847 Act (penalty on vessels lying near the entrance of harbour or dock without permission) shall have effect subject to the modification that for the words from "be liable to" to the end of the section there are substituted the words "be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale".

(4) Section 65 of the 1847 Act (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from "Provided always" to the end of the section.

Byelaws

15.—(1) The Trustees may from time to time make byelaws for the efficient management and regulation of the harbour.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

(a) regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour,

(b) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour,

(c) preventing damage or injury to any vessel, goods, property or persons within the harbour,

(d) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in the execution of their duties,

(e) preventing and removing obstructions or impediments within the harbour,

(f) prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) in or into the harbour (other than from any vessel within the meaning of section 255 of the 1995 Act),

(g) prohibiting persons from smoking within such parts of the harbour as the Trustees may from time to time designate,

(h) regulating the activities in the harbour of divers, surfers, water skiers, kite surfers, swimmers and other persons engaged in similar recreational pursuits,

(i) regulating the use of fires, lights and pyrotechnics within the harbour (other than on any vessel within the meaning of section 255 of the 1995 Act),

(j) regulating the type of vehicles which may enter or be within the harbour and the movement, parking, use, loading or unloading of vehicles within the harbour, and giving powers to officers or employees of the Trustees in relation to such regulation,

(k) regulating the holding of regattas and other public events in the harbour,

(l) regulating fishing within the harbour,

(m) prohibiting or regulating the sale of articles or the provision of services within the harbour,

(n) making the carrying out of specified activities, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master, and

(o) the conservation of the fauna and flora in the harbour.

(3) Where byelaws under this section make the carrying out of specified activities, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master as mentioned in paragraph (2)(n), the harbour master may take such action as may be reasonably required in default of compliance with any such approval, condition, control or direction.

(4) Byelaws made under this article may—

(a) provide for fines on summary conviction not exceeding level 3 on the standard scale for breach of any approval, condition, direction or requirement imposed under the byelaws,

(b) relate to the whole of the harbour or to any part of it, and

(c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles or different specified activities.

(5) Before making byelaws under this section the Trustees shall consult with such persons as the Trustees consider are representative of users of the harbour.

Confirmation of byelaws

16.—(1) Byelaws made by the Trustees under this Order shall not come into operation until they have been confirmed by the Ministers.

(2) Not later than one month before an application for confirmation of byelaws is made by the Trustees to the Ministers, notice of the intention to apply for confirmation and details of the Trustees' website where the byelaws can be viewed or, as the case may be, the place at which and time during which a copy of the byelaws shall be open to inspection shall be published as follows—

(a) once in the Edinburgh Gazette, and

(b) once in each of two successive weeks in a newspaper circulating in the area in which the harbour is situated.

(3) Not later than the first date on which the notice under paragraph (2) is published, the Trustees shall send a copy of the notice to the Chief Executive of Fife Council and to the Ministers.

(4) For a period of at least one month before application is made for confirmation of byelaws, the Trustees shall either keep a copy of the byelaws on their website or keep a copy of them open to public inspection, without payment, at its principal office at all reasonable hours.

(5) The Trustees shall supply a copy of the byelaws or of part of the byelaws to a person on request.

(6) During the period of one month beginning with the last date of publication of any notice required by paragraph (2), any person may make, in writing to the Ministers, any objection to or representation about the byelaws to which the notice relates.

(7) The Ministers may confirm the byelaws (with or without modifications) or may refuse to confirm them.

(8) Where the Ministers propose to make a modification that appears to them to substantially affect the character of the byelaws, they shall inform the Trustees and require them to take any steps the Ministers consider necessary for informing persons likely to be concerned with the modification.

(9) For the purposes of paragraph (8), the Ministers shall give the Trustees and any person who is to be informed of a proposed modification the opportunity to make representations in writing about that proposed modification during a period determined by the Ministers and the Ministers shall take such representations into account before making a decision under paragraph (7).

(10) The Trustees shall—

(a) either keep a copy of the confirmed byelaws on their website or keep a copy of them open to public inspection at all reasonable hours, without payment, at the Trustees' principal office (and at the office of the harbour master), or

(b) provide a copy of the byelaws to a person on request.

General Directions to vessels

17.—(1) The Trustees may, after consultation with the UK Chamber of Shipping, the Commissioners of Northern Lighthouses, the Royal Yachting Association Scotland and such other persons as the Trustees consider are representative of users of the harbour and in order to promote or secure conditions conducive to the ease, convenience or safety of navigation or the safety of persons, give directions for any of the following purposes—

(a) designating areas, routes or fairways in the harbour which vessels are to use, or refrain from using for movement, mooring or anchorage,

(b) securing that vessels move only at certain times or during certain periods,

(c) securing that vessels make use of descriptions of aids to navigation specified in the direction,

(d) prohibiting entry into or navigation within any of the main fairways during any temporary obstruction thereof,

(e) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master,

(f) prohibiting entry into or movement in the harbour by vessels at times of poor visibility due to the weather or to the presence of dust or smoke provided that no such directions shall prevent the entry into the harbour or the approaches of any vessel seeking refuge from stress of weather, and

(g) regulating the speed of vessels within the harbour.

(2) A general direction under this article may apply—

(a) to all vessels or to a class of vessels designated, or for which the designation is provided for, in the direction,

(b) to the whole of the harbour or to a part designated, or for which the designation is provided for, in the direction, or

(c) at all times or at times designated, or for which the designation is provided for, in the direction,

and every direction under this article shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) The Trustees may, after consultation with the UK Chamber of Shipping, the Commissioners of Northern Lighthouses, the Royal Yachting Association Scotland and such other persons as the

Trustees consider are representative of users of the harbour, revoke or amend any general direction.

Publication of general directions

18.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Trustees as soon as practicable, once in one or more newspapers circulating in the locality in which the harbour is situated.

(2) The Trustees shall also make the notice available for inspection on a web-site maintained by the Trustees together with, if the notice relates to the giving or amendment of a general direction, a copy of the direction or the direction as amended.

(3) If the notice relates to the giving or amendment of a general direction, the notice shall state a place at which copies may be obtained and particulars of the web-site where a copy of the direction or the direction as amended may be viewed.

(4) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Trustees considers appropriate.

Special directions to vessels

19.—(1) The harbour master may give a special direction—

(a) requiring a vessel anywhere within the harbour limits to comply with a requirement made in or under a general direction,

(b) for regulating the time at which and the manner in which a vessel shall enter into, go out of, or lie in or at the harbour,

(c) for securing that a vessel moves in the harbour only at certain times or during certain periods,

(d) prohibiting the mooring of a vessel in any particular part or parts of the harbour,

(e) regulating or requiring the movement, berthing, mooring or unmooring of a vessel in the harbour, and

(f) regulating the manner in which a vessel takes in or discharges (from ship to shore or shore to ship) passengers, cargo, fuel, water, ship's stores or ballast in the harbour.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

Master's responsibility to be unaffected

20. The giving of a general direction or a 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 his or her vessel, persons on board, its cargo or any other person or property.

Failure to comply with directions

21.—(1) A person who fails without reasonable excuse to comply with a special direction is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person who fails without reasonable excuse to comply with a general direction, or who breaches an approval, condition or requirement of a general direction, is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement of special directions

22.—(1) Without affecting any other remedy available to the Trustees, if a special direction is not complied with within a reasonable time, the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with, but he shall not do so unless, after reasonable inquiry has been made, the master cannot be found.

(3) Reasonable expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the Trustees from the owner of the vessel as if they were a charge of the Trustees in respect of the vessel.

Boarding of vessels

23. Any duly authorised officer of the Trustees may enter and inspect a vessel in the harbour, subject to producing his or her authority where requested—

(a) for the purposes of any enactment relating to the Trustees including its enforcement, or

(b) to prevent or extinguish fire,

but, except in an emergency, no entry shall be made under this article without prior written notice first having been given to the owner or the person appearing to have charge of the vessel, at least 24 hours in advance and the notice shall have annexed to it a copy of this article.

Vessels adrift

24.—(1) The owner or master of a vessel adrift in the harbour shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall be a defence for the owner or master of a vessel charged with an offence under paragraph (1) to prove that the vessel did not become adrift as the result of any neglect or default on his or her part.

PART 4

Financial Provisions

Charges other than ship, passenger and goods dues

25.—(1) The Trustees may make such reasonable charges for services and facilities provided by them or on their behalf in relation to the harbour as they may from time to time determine.

(2) In paragraph (1) "charges" does not include ship, passenger and goods dues as defined by section 57 of the 1964 Act.

Liability for charges

26.—(1) Charges payable to the Trustees on or in respect of—

(a) a vessel shall be payable by the owner, charterer or master of the vessel,

(b) goods shall be payable by the owner, consignee or shipper of the goods.

(2) Where a charge payable to the Trustees may be recovered from more than one person the persons from whom it is recoverable shall be jointly and severally liable.

Power to grant exemptions, rebates etc. in respect of charges

27.—(1) The Trustees may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption or composition.

(2) Nothing in section 30 of the 1964 Act shall require the Trustees to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.

PART 5

Miscellaneous

Saving for Commissioners of Northern Lighthouses

28. Nothing in this Order shall prejudice or derogate from any of the rights, duties or privileges of the Commissioners of Northern Lighthouses.

Crown rights

29.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Trustees or any licensee to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, or bay)—

(a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners,

(b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land or (as the case may be) the relevant person, or

(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and shall be deemed to have been given in writing where it is sent electronically.

(3) In this article—

(a) "government department" includes any part of, or any member of the staff of, the Scottish Administration (which shall have the same meaning as in section 126(6) of the Scotland Act 1998(**a**), and

(b) "relevant person", in relation to any property, rights or interests to which section 90B of that Act.

(**a**) 1998 c. 46.

Repeals and revocations

30. On the day this Order comes into force, the enactments mentioned in the first and second columns of the Schedule to this Order are repealed or revoked to the extent specified in the third column of that Schedule.

ALISON IRVINE
A member of staff of the Scottish Ministers

St Andrew's House,
Edinburgh
11th March 2025

SCHEDULE

Article 30

Repeals

Number	*Short Title*	*Extent of repeal or revocation*
1897 c. 78	The St. Andrews Harbour Order 1897, confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1897	Section 16
S.I. 2010/403	The St. Andrews Harbour Revision (Constitution) Order 2010	Article 14

EXPLANATORY NOTE

(This note is not part of the Order)

This Order defines the harbour limits and confers updated powers on the Trustees, including powers to lease, the making of byelaws and the issuing of general and special directions.

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£8.14

http://www.legislation.gov.uk/id/ssi/2025/64

ISBN 978-0-11-106239-5

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