

2011 No. 1680

HARBOURS, DOCKS, PIERS AND FERRIES

**The Clyde Dockyard Port of Gareloch and Loch Long Order
2011**

Made - - - - - *13th July 2011*

Laid before Parliament *20th July 2011*

Coming into force - - - *21st July 2011*

At the Court at Buckingham Palace, the 13th day of July 2011

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 3, 5, 6 and 7 of the Dockyard Ports Regulation Act 1865(a).

In so far as this Order makes provision for a purpose mentioned in section 7 of that Act, such provision is made on the joint recommendation of the Secretary of State for Defence and the Secretary of State for Transport(b).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and Commencement

1. This Order may be cited as the Clyde Dockyard Port of Gareloch and Loch Long Order 2011 and comes into force on 21st July 2011.

Revocation

2. The Clyde Dockyard Port of Gareloch and Loch Long Order 1967(c) and the Clyde Dockyard Port of Gareloch and Loch Long (Amendment) Order 1983(d) are revoked.

Interpretation

3. In this Order—

(a) 1865 c.125

(b) The function under the said section 7 of the Board of Trade is now vested in the Secretary of State for Transport by virtue of section 2(1) (repealed) of the Ministry of Transport Act 1919 (c. 50), S.R. & O. 1919/1440, S.I. 1965/145, S.I. 1970/1537, S.I. 1974/692, S.I. 1983/1127, S.I. 1997/2971, S.I. 2001/2568 and S.I. 2002/2626

(c) S.I. 1967/1141

(d) S.I. 1983/878

“the Act” means the Dockyard Ports Regulation Act 1865;

“auxiliary” means any government vessel operating in support of naval or military forces;

“Crown Establishment” means any land or property which is for the time being owned or occupied by the Crown;

“the dockyard port” means the Clyde dockyard port of Gareloch and Loch Long as it is described in Article 4;

“parascending” means an activity whereby a parachute is towed by cable in such a manner as to make it airborne;

“power driven” in relation to a vessel means a vessel that is propelled by machinery;

“Queen’s harbour master” means the person for the time being appointed under the Act to be Queen’s harbour master for the dockyard port and any person having authority to act as Queen’s harbour master;

“small boat” means a vessel of an overall length of less than 20 metres;

“underway” in relation to a vessel means that such vessel is not at anchor, made fast to the shore or aground;

“VHF” in relation to radiotelephony equipment or radio channels, means very high frequency.

Description of limits

4. For the purposes of the Act and of this Order the limits of the dockyard port shall be the waters of the Firth of Clyde, as far as the tide flows, in the following areas—

- (a) the Gareloch north of latitude 55° 59.263’ North; and
- (b) Loch Long and Loch Goil north of latitude 55° 59.993’ North.

5. For the purposes of this Order:

- (a) The Rhu Narrows Restricted Channel is the area of sea bounded by a line which is marked on the first chart annexed to this Order that joins the points listed in Schedule 1;
- (b) The Faslane Restricted Area is the area of sea bounded by a line that is marked on the second chart annexed to this Order that joins the points listed in Schedule 2;
- (c) The Coulport Restricted Area is the area of sea bounded by a line that is marked on the third chart annexed to this Order that joins the points listed in Schedule 3; and
- (d) The Coulport Fishing Exclusion Zone is the area of sea bounded by a line that is marked on the fourth chart annexed to this Order that joins the points listed in Schedule 4.

Regulations and Rules

6. Schedule 5 makes regulations for the purposes expressed in section 5 of the Act.

7. Schedule 6 makes rules for the purposes expressed in section 7 of the Act.

Penalties

8. The master of every vessel shall observe and cause to be observed the regulations contained in Schedule 5 so far as they relate to his vessel, and any master or any other person who—

- (a) infringes those regulations; or
- (b) fails to observe any direction given under those regulations,

shall be guilty of an offence and shall be liable to a fine not exceeding level 3 on the standard scale.

SCHEDULE 1

Article 5(a)

Rhu Narrows Restricted Channel – Limits of the Boundary

<i>Map Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	56°01.452'N.	4°48.087'W.
2	56°00.625'N.	4°47.193'W.
3	56°00.303'N.	4°45.951'W.
4	55°59.815'N.	4°45.179'W.
5	55°59.345'N.	4°45.131'W.
6	55°59.338'N.	4°45.415'W.
7	55°59.750'N.	4°45.460'W.
8	56°00.169'N.	4°46.114'W.
9	56°00.471'N.	4°47.263'W.
10	56°01.388'N.	4°48.270'W.

SCHEDULE 2

Article 5(b)

Faslane Restricted Area – Limits of the Boundary

<i>Map Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	56°04.508'N.	4°49.727'W.
2	56°04.495'N.	4°50.119'W.
3	56°03.763'N.	4°50.083'W.
4	56°02.649'N.	4°49.585'W.
5	56°02.889'N.	4°48.748'W.

SCHEDULE 3

Article 5(c)

Coulport Restricted Area – Limits of the Boundary

<i>Map Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	56°04.306'N.	4°52.087'W.
2	56°04.426'N.	4°52.721'W.
3	56°03.808'N.	4°53.299'W.
4	56°02.964'N.	4°53.539'W.
5	56°02.358'N.	4°52.959'W.
6	56°02.560'N.	4°52.242'W.

SCHEDULE 4

Article 5(d)

Coulport Fishing Exclusion Zone – Limits of the Boundary

<i>Map reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	56°07.151'N.	4°49.677'W.
2	56°07.368'N.	4°49.808'W.
3	56°07.200'N.	4°50.475'W.

4	56°05.931'N.	4°51.631'W.
5	56°06.133'N.	4°52.500'W.
6	56°05.879'N.	4°52.700'W.
7	56°05.468'N.	4°52.124'W.
8	56°03.402'N.	4°53.895'W.
9	56°02.955'N.	4°54.472'W.
10	56°02.696'N.	4°54.356'W.
11	56°02.254'N.	4°54.307'W.
12	56°02.141'N.	4°54.063'W.
13	56°02.141'N.	4°52.959'W.
14	56°02.358'N.	4°52.959'W.
15	56°02.560'N.	4°52.242'W.

SCHEDULE 5

Article 6

Regulations

General

1.—(1) The master of every vessel and every other person within the limits of the dockyard port shall comply with any direction given by the Queen's harbour master for the purposes of the proper protection of the dockyard port, Her Majesty's vessels, dockyards or property, or for the requirements of Her Majesty's naval service.

(2) The master of every vessel and every other person within the limits of the dockyard port to whom any permission has been granted by the Queen's harbour master in accordance with the provisions of these Regulations, shall comply with any conditions attached to any such permission.

(3) The Queen's harbour master may attach such conditions to any such permission as he considers necessary.

Moorings for Her Majesty's Ships, etc.

2. Moorings for Her Majesty's vessels, buoys, lights, marks, and other aids to navigation, and such other buoys as may be required for any purpose in connection with naval, military or air force operations, may be placed by the Queen's harbour master in such positions as may be considered necessary for the requirements of Her Majesty's naval service.

Merchant or Private Moorings

3.—(1) No person shall lay moorings for any merchant or private vessel, hulk, raft, pontoon, bathing stage, house boat, timber or any floating structure in the dockyard port, save with the permission of the Queen's harbour master.

(2) All such moorings shall be in such positions as the Queen's harbour master shall deem fit.

(3) Any such moorings anywhere in the dockyard port shall be removed forthwith on the direction of the Queen's harbour master.

Clearing Anchors and Moorings

4. If at any time the anchor of any vessel hooks any Crown moorings, or any under-sea cable, or moorings of buoys, or any pipe, the master of such vessel shall forthwith give notice thereof to the Queen's harbour master and shall, if it is safe and practicable, await the Queen's harbour master's direction before proceeding to clear the same.

Anchoring and Mooring – General

5. No vessel shall anchor on the line of any under-sea cable or pipe laid down in the dockyard port where such a line is indicated by posts or other discernible marks on shore or is shown for the time being on Admiralty charts as an area in which anchorage is prohibited except with the permission of the Queen's harbour master.

6. No vessel, barge, hulk, raft, pontoon or other floating structure shall—

- (a) make fast to, or lie at, any of the buoys or beacons placed by the Queen's harbour master to mark channels or shoals in the dockyard port;
- (b) be moored or fastened to any of Her Majesty's naval moorings, buoys, breakwaters, boom defences, dolphins, jetties, piles or vessels in the dockyard port, save with the permission of the Queen's harbour master;
- (c) be moored or except in an emergency anchored within 100 metres of any of Her Majesty's naval jetties, floating docks, dolphins, vessels, hulks, installations, floating barriers or armaments depots, or within 150 metres of the centre of any naval moorings, save with the permission of the Queen's harbour master;
- (d) lie or be moored, anchored, grounded, deposited or run on shore in the fairways of the dockyard port, the main navigable channels or the approach channel; or
- (e) except in an emergency, drop anchor in water of greater than 10 metres in depth save with the permission of the Queen's harbour master.

Vessels at anchor

7. No vessel of an overall length of 20 metres or more, compelled or allowed to anchor in or near any of the navigable channels of the dockyard port, shall be left at any time without a person having command or charge of it.

Fishing

8.—(1) No fishing from any vessel or by persons swimming under the water shall be carried on within the limits of the dockyard port within—

- (a) 100 metres of the walls, slipways or boundaries of any Crown Establishment; or
- (b) 150 metres of any of Her Majesty's vessels,

without the written permission of the Queen's harbour master.

(2) Otherwise than in accordance with a written permission granted by the Queen's harbour master, no trawling or fishing by nets, whether drift or set nets, or laying of lobster and / or crab pots shall be carried out in—

- (a) the Rhu Narrows Restricted Channel;
- (b) the Faslane Restricted Area;
- (c) the Coulpport Restricted Area; or
- (d) the Coulpport Fishing Exclusion Zone.

(3) All unattended fishing equipment in respect of which a surface mark is employed must show a buoy or container with a flag, which must be fitted with a radar reflector and have the identity of the laying vessel clearly displayed.

(4) All lines used in connection with lobster, prawn or crab pots or similar devices shall be non-buoyant.

(5) No person shall mature, cultivate or store live fish or shellfish within the waters of the Dockyard Port otherwise than in accordance with a permission granted in writing from the Queen's harbour master.

Swimming Underwater and Diving

9. Otherwise than in accordance with a written permission granted by the Queen's harbour master, no person shall swim either on the surface or underwater—

- (a) within 200 metres of the walls, slipways or boundaries of a Crown Establishment;
- (b) within 250 metres of any of Her Majesty's vessels; or
- (c) where anchorage is prohibited.

Water skiing, etc.

10. Otherwise than in accordance with a written permission granted by the Queen's harbour master, no water-skiing; jet-skiing or windsurfing is permitted within the dockyard port.

Parascending etc.

11. Otherwise than in accordance with a written permission granted by the Queen's harbour master, no person shall engage or take part in parascending or other activity involving the towing of a kite or other thing, from land or water, in such a manner as to cause it to become airborne in any part of the dockyard port.

Seaplanes

12. Otherwise than in accordance with a written permission granted by the Queen's harbour master, no person shall take off or land a seaplane within the dockyard port.

Dumping of Rubbish, etc.

13. No person shall unload, cast or allow to fall—

- (a) into the waters of the dockyard port, or
- (b) upon the banks or any portion of the shores of the dockyard port where the same may be able to be washed into the said waters by rain, tide or otherwise,

any ballast, stones, earth, clay, refuse or any other substance or object which is or might become a hazard to navigation.

Reserved and Recreational Areas

14. The Queen's harbour master may, where he considers it necessary to reserve any area for mining, gunnery or dredging operations or experiments, or other naval purposes, or to ensure the safe navigation of vessels both naval and civilian, direct by notice published as a general or local notice to mariners, which shall continue in force until 31st December of the year in which it was issued, unless revoked earlier, that no person shall:

- (a) cause or permit a vessel to enter into or remain in that area, unless compelled to do so by stress of weather or to avoid accident;
- (b) enter into or remain in that area, or cause or permit any vessel, animal or thing to enter into or remain in that area, except with the permission of the Queen's harbour master or the officer in charge of such operations, experiments or purposes; or
- (c) take part in any recreational activities specified in the notice in such parts of that area as may be so specified, save for the purposes of avoiding danger or accident.

Firearms, Weapons and Explosives

15.—(1) Subject to the exceptions in sub-paragraph (2), within the limits of the dockyard port, no gun or explosive shall be carried on board any merchant or private vessel.

- (2) The exceptions referred to in sub-paragraph (1) are where—

- (a) the Queen’s harbour master has given his written permission;
 - (b) the sole design of the gun or explosive is for the purpose of giving an internationally recognised signal of distress; or
 - (c) the sole purpose of the gun is to control water based racing activities and only blank ammunition rounds are fired.
- (3) No gun or explosive shall be discharged from any such vessel or from the shore over the waters of the dockyard port except—
- (a) in accordance with a written permission granted by the Queen’s harbour master;
 - (b) as a signal of distress; or
 - (c) as a signal in connection with the conduct of water based racing activities.

Navigational Marks

16. No person shall trespass on, damage or without authority interfere with any radar head, light, beacon, sea-mark, tide board, tide gauge, buoy, sign or notice of any description in the dockyard port.

Dredging

17. Otherwise than in accordance with a written permission granted by the Queen’s harbour master, no person shall dredge in the dockyard port with drags, hooks, nets or other apparatus.

Use of Automatic Pilot Steering Devices

18. The master of every vessel when navigating within the dockyard port shall ensure that in the event of use being made of an automatic pilot steering device, a competent helmsman or pilot is in attendance at a steering position to steer the vessel manually if circumstances so require.

Compass Adjustment

19. The master of every vessel shall give the Queen’s harbour master at least twenty four hours notice of any intended adjustment of the vessel’s compass and will confirm to the Queen’s harbour master immediately before adjusting the compass that the adjustment is to take place.

SCHEDULE 6

Article 7

Rules

Navigation of Large Vessels

- 1.—**(1) Where it is intended that any vessel with a gross registered tonnage equal to or exceeding eighty tons is to enter the dockyard port, the owner, agent or master of that vessel shall notify the Queen’s harbour master of its anticipated time of arrival and departure before entering the dockyard port, and
- (2) The owner, agent or master of any such vessel shall comply with any direction given by the Queen’s harbour master as to the timing of the vessel’s entry to and exit from the dockyard port and the navigation of the vessel whilst it is within the dockyard port.

Temporary Restrictions on Navigation within the Rhu Narrows Restricted Channel

2.—(1) Where it is necessary for any naval vessel and/or auxiliary to proceed to or from a Crown Establishment or to be turned, moved, berthed or docked within the dockyard port, the Queen's harbour master may direct that no person shall:

- (a) enter, pass through or remain in the Rhu Narrows Restricted Channel;
- (b) cause or permit any vessel or thing to enter, pass through or remain in the Rhu Narrows Restricted Channel.

(2) Where any such direction is made, notice of the direction—

- (a) shall be broadcast by the Queen's harbour master on VHF channel 73 from time to time during the period in which the direction is in force, and
- (b) shall be indicated by the illumination of a red light above two green lights supplemented by a red rectangular flag with a white diagonal bar displayed on any naval vessel or auxiliary within the Rhu Narrows Restricted Channel and at masts at the following locations:
 - (i) the Port Control Building at Faslane;
 - (ii) Rhu Hard;
 - (iii) the DG Range building adjacent to Green Isle; and
 - (iv) the Navy Buildings, Greenock.

Exclusion Zones – Submarines

3.—(1) Whenever a submarine is underway within the dockyard port, no person shall at any time:

- (a) enter, pass through or remain in, or
- (b) cause or permit any vessel or thing to enter, pass through or remain in

any part of the dockyard port that falls within a zone of 250 metres radius surrounding the submarine.

(2) Notice that a submarine is underway within the dockyard port shall be broadcast by the Queen's harbour master on VHF channel 73 from time to time during the period in which the submarine is underway.

Exclusion Zone – Surface Vessels

4.—(1) The Queen's harbour master, on any occasion when it is necessary to facilitate or ensure a clear passage for any surface vessel, may direct immediately before the vessel becomes underway that there be an exclusion zone of up to 250 metres radius in the water around the vessel.

(2) Notice that a direction under sub – paragraph (1) above has been given shall be broadcast by the Queen's harbour master on VHF channel 73 from time to time during the period in which the submarine is underway.

(3) The vessel to which the exclusion zone applies shall display—

- (a) (by day) two diamond shapes vertically disposed where best seen; or
- (b) (by night) two flashing red lights at the masthead horizontally disposed.

(4) Where a direction specified in sub-paragraph (1) above has been given and whilst the shapes or light signals specified in sub-paragraph (2) above are displayed—

- (a) no vessel underway in the dockyard port, save any vessel authorised by the Queen's harbour master to escort the vessel to be given clear passage, shall enter the exclusion zone surrounding that vessel; and
- (b) vessels alongside, at anchor, at a buoy or at a mooring within the exclusion zone shall remain in such a position whilst the direction remains in force.

- (5) The direction shall remain in force until either—
- (a) the vessel which is to be given clear passage leaves the limits of the Dockyard Port; or
 - (b) the Queen's Harbour Master rescinds the direction and broadcasts notice of the same on VHF Channel 73.

Speed Limits

5.—(1) Within the limits of the Rhu Narrows Restricted Channel; the Faslane Restricted Area; the Coulpport Restricted Area and the Coulpport Fishing Exclusion Zone, the speed of any vessel shall not exceed seven knots through the water unless a speed in excess of seven knots is essential for the safety of navigation.

- (2) Elsewhere within the dockyard port, no vessel shall exceed twelve knots through the water.

Vessels Turning

6. When a power driven vessel under way is about to turn around, the vessel shall indicate her intention to turn to any other vessel in her sight by four short whistle blasts followed after a short interval by one further short whistle blast if turning to starboard or two further short whistle blasts if turning to port.

Wrecks and Submerged Objects

7. Should a vessel sink, be stranded or become a wreck in any part of the dockyard port so that an obstruction is caused, or is likely to be caused, the master of the vessel shall immediately notify the Queen's harbour master.

Port Radio Telephone Communication

8.—(1) Save with the permission of the Queen's harbour master, all vessels of an overall length of 20 metres or more, and, when engaged in any type of commercial activity, small boats navigating within the dockyard port, shall carry fixed or portable VHF radiotelephony equipment.

(2) The Queen's harbour master from time to time may by notice published as a general or local notice to mariners direct that the provisions of sub-paragraph (1) be extended to small boats when necessary for safety within the dockyard port.

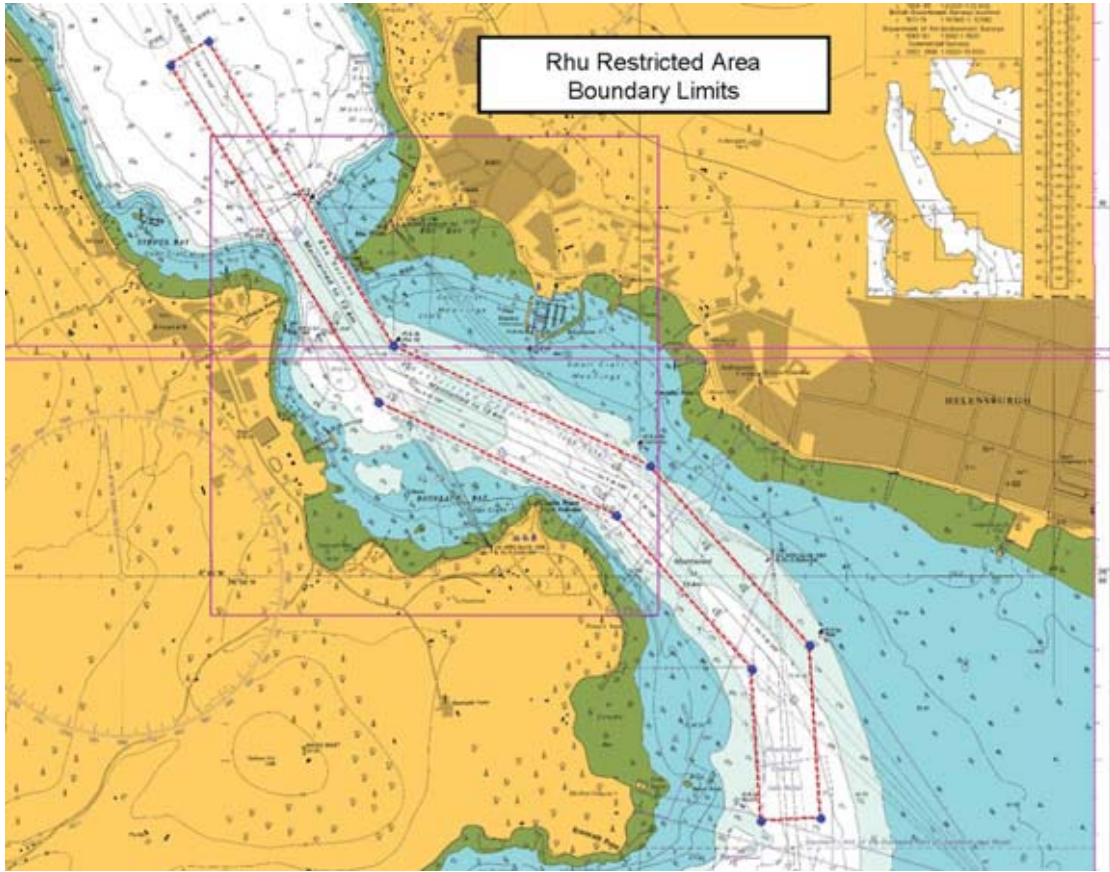
(3) Port radio telephone communications shall be conducted in accordance with any direction issued by the Queen's harbour master from time to time.

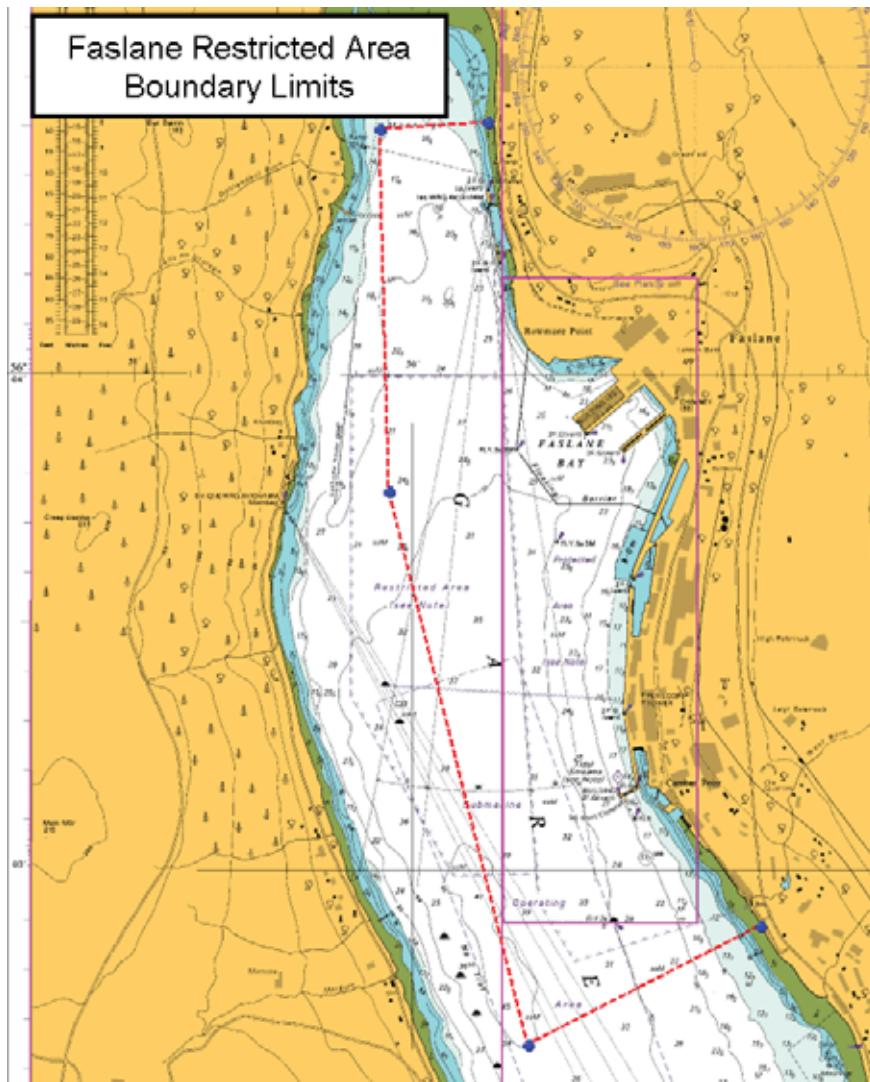
Vessels to be navigated with care and caution

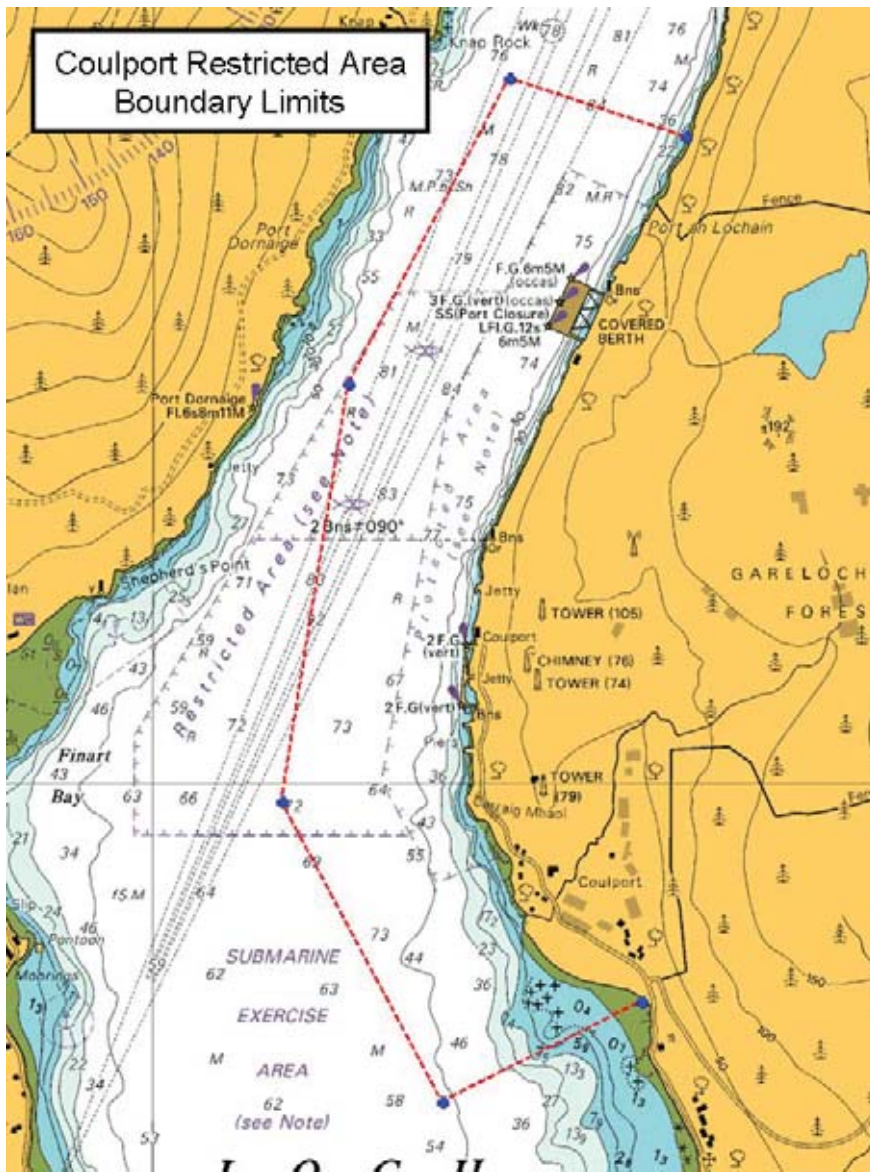
9. The master of a vessel navigating the dockyard port shall navigate the vessel with care and caution and in such a manner as shall not cause annoyance to the occupants of any other vessel or cause damage or danger to any other vessel or to any moorings or other property.

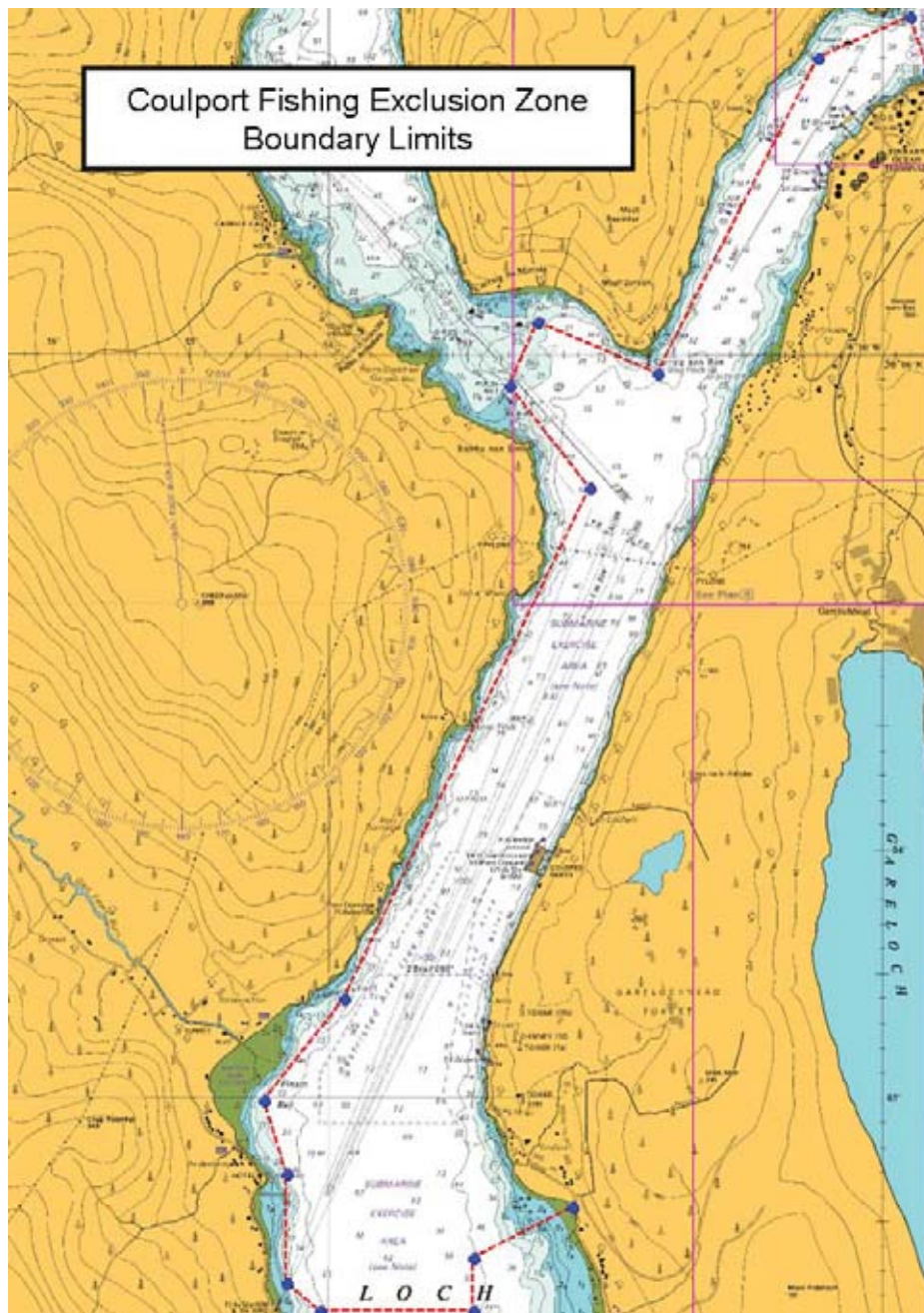
Conduct within the Dockyard Port

10. The master of a vessel shall not navigate within the dockyard port when unfit by reason of intoxication through drink or drugs.









EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Clyde Dockyard Port of Gareloch and Loch Long Order 1967 (as amended) and defines the limits of the Clyde dockyard port of Gareloch and Loch Long (“the dockyard port”) for the purposes of the Dockyard Ports Regulation Act 1865. It makes port regulations for the proper protection of Her Majesty’s vessels and property within the dockyard port and makes rules prescribing the steps to be taken for the avoidance of collision by vessels navigating the waters of the dockyard port.

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STATUTORY INSTRUMENTS

2011 No. 1680

HARBOURS, DOCKS, PIERS AND FERRIES

The Clyde Dockyard Port of Gareloch and Loch Long Order
2011

£8.75