1999 No. 2029

HARBOURS, DOCKS, PIERS AND FERRIES

The Dockyard Port of Plymouth Order 1999

Made - - - - -	*21st July 1999*
Laid before Parliament	*29th July 1999*
Coming into Force - -	*31st August 1999*

At the Court at Buckingham Palace, the 21st day of July 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 3, 5, 6 and 7 of the Dockyard Ports Regulation Act 1865(**a**) and, in so far as section 7 of the Act is concerned, on the joint recommendation of the Secretary of State for Defence and the Secretary of State for Environment Transport and the Regions, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Dockyard Port of Plymouth Order 1999 and shall come into force on 31st August 1999.

Interpretation

2. In this Order unless the context otherwise requires:

"the Act" means the Dockyard Ports Regulation Act 1865;

"aircraft" means any fixed or rotary wing, powered, or unpowered, vehicle capable of flight or any parachute, canopy, balloon or airship;

"auxiliary" means a government vessel operating in support of naval and military forces;

"BCH Code" means the 1990 edition of IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

"bell" means any vessel's bell complying with Annex III of the Collision Regulations;

"Collision Regulations" means the regulations for the time being in force made pursuant to sections 85 and 86 of the Merchant Shipping Act 1995(**b**);

"Crown Establishment" shall mean any land or property which is owned or occupied by the Crown;

"channel"—all references to deep water channel, main channel and channel for deep draught vessel shall be as shown on current Admiralty charts;

(**a**) 1865 c. 125; section 6 was amended by Schedule 3 to the Criminal Justice Act 1967 (c. 80) and sections 40 and 46 of the Criminal Justice Act 1982 (c. 48) and part I of Schedule 1 to the Statute Law (repeals) Act 1993 (c. 50): Section 7 was amended by Part XIII of Schedule 1 to the Statute Law (Repeals) Act 1986 (c. 12).

(**b**) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), sections 8(1)-(6), 29(2) and Schedule 7.

"Dockyard Port" means the Dockyard Port of Plymouth as it is described in Article 3 hereof;

"flashing light" means, except in Rule 4(4) of Schedule 2 to this Order, a light flashing at regular intervals at a frequency of 120 flashes or more per minute;

"Foreign warship" means a vessel authorised to fly the naval ensign of a foreign state;

"IBC Code" means the 1994 edition of the International Bulk Chemical Code published by the IMO;

"IMDG Code" means the 1994 edition of the International Maritime Dangerous Goods Code published by the IMO;

"IMO" means the International Maritime Organisation;

"International Gas Carrier Code" means the 1983 edition of the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in bulk published by the IMO;

"International Gas Carrier Code for Existing Ships" means the 1976 edition of Code for Existing ships carrying Liquefied Gases in Bulk, as amended, published by the IMO;

"local Harbour or Docks Authority" means those Authorities for the time being empowered and having responsibility for the Cattewater Harbour, the Sutton Harbour and the Millbay Docks, being at the time of the making of this Order, the Cattewater Commissioners, the Sutton Harbour Improvement Company and the Associated British Ports Board respectively;

"master" means the person having command or charge of a vessel for the time being;

"Naval Base" means the land occupied by Her Majesty's Navy and their operator lessees and known from time to time as HM Naval Base Devonport (including the buildings from time to time erected thereon, the basins, quays and docks therein and the Operator Leased and Licensed Areas);

"navigating within the Dockyard Port" excludes navigating within non-tidal basins;

"parascending" means an activity whereby a parachute is towed by cable in such a manner as to cause it to ascend until it is airborne;

"power-driven vessel" includes any vessel propelled by machinery;

"prolonged blast" means a blast of from four to six seconds duration;

"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;

"Radioactive substance" means any substance of Class 7 of the 1994 edition of the International Maritime Dangerous Goods Code published by the IMO;

"1987 Regulations" means the Dangerous Substances in Harbour Areas Regulations 1987(**a**);

"short blast" means a blast of about one second's duration;

"underway" in relation to a vessel means a vessel not at anchor, or made fast to the shore or seabed, or aground;

"vessel" includes every description of water craft, seaplanes, or floating structure including all non-displacement craft, personal water craft, sailboards, used or capable of being used as a means of transportation on water; towed targets and other floating targets; any of Her Majesty's vessels; and vessels in the charge of Her Majesty's Officers except where otherwise provided;

"whistle" means any vessel's whistle or siren complying with Annex III of the Collision Regulations.

Description of limits

3. For the purposes of the Act and of this Order the limits of the Dockyard Port of Plymouth shall be the waters including all the bays, creeks, lakes, pools and rivers, so far as the tide flows, to the northward of a line starting at a point on the shore due south (true) of the ruined chapel on Rame Head and proceeding in a south-easterly direction to a point 175° (true) 1.25 nautical miles from Rame Church, thence in a north-easterly direction to the Shag Stone and thence due east (true) to the shore.

(**a**) SI 1987/37, amended by S.I. 1988/712, 1990/2605, 1990/2487, 1992/743, 1993/1746, 1994/669, 1994/241, 1994/3247, 1996/2092, 1996/2791, 1996/2095, 1997/2367 and 1998/2885.

Delineation of limits

4. The limits of the Dockyard Port are drawn on the chart annexed to this Order.

Regulations and Rules

5. The Regulations contained in Schedule 1 hereto and the Rules contained in Schedule 2 hereto shall have effect within the limits (as described in Article 3 hereof) of the Dockyard Port, and if any inconsistency shall arise between the said Rules and the Collision Regulations the said Rules shall prevail.

Penalties

6.—(1) The master of every merchant or private vessel shall observe and cause to be observed the Regulations contained in Schedule 1 hereto, so far as they relate to his vessel, and any such master or any other person who—

(a) infringes any provision of those Regulations,

(b) fails to cause the same to be observed,

(c) fails to observe any direction given under those Regulations,

(d) fails to comply with any condition or direction attached to a licence or permission granted under those Regulations; or

(e) fails to comply with any notice issued under those Regulations

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

(2) The master of every merchant or private vessel shall comply with the Rules contained in Schedule 2 hereto and any such master, who by his wilful default infringes any of the said Rules shall in respect of each offence be liable to the same penalties as if the offence had been an infringement of the Collision Regulations.

Revocation

7. The Dockyard Port of Plymouth Order 1984(**a**) is hereby revoked.

A. K. Galloway,
Clerk of the Privy Council.

(**a**) SI 1984/1148.

SCHEDULE 1

Article 5

PART I

REGULATIONS OF GENERAL APPLICATION

General

1.—(1) The master of every merchant or private vessel or any other person within the limits of the Dockyard Port shall comply with any directions given by the Queen's Harbour Master for the purposes of the proper protection of the Port, Her Majesty's vessels, dockyards, or property, or for the requirements of Her Majesty's Naval Service.

(2) The master of every merchant or private vessel or any other person within the limits of the Dockyard Port to whom any licence or permission has been granted by the Queen's Harbour Master in accordance with the provisions of the Act, these Regulations or the rules contained in Schedule 2, shall comply with any directions or conditions attached thereto.

(3) the Queen's Harbour Master may attach such conditions or directions to any such licence or permission as he considers necessary.

Control of movements within the Dockyard Port

2.—(1) The Queen's Harbour Master shall, in the discharge of the provisions of Schedules 1 and 2 of this Order in relation to commercial shipping traffic, and subject to any operational requirement connected with national defence, have regard to the functions and responsibilities of the local Harbour or Docks Authority.

(2) The Queen's Harbour Master may, as necessary, require the owner, master or agent of any vessel of and above 20 metres in length, to notify him of the times of prospective arrivals and departures of such a vessel within the Dockyard Port over a specified period, including any subsequent amendments thereto.

(3) Vessels of more than 20 metres overall length shall enter or leave the Dockyard Port under the direction of the Queen's Harbour Master.

(4) The master of any vessel shall comply with any requirements of the Queen's Harbour Master to change the time of arrival or sailing of a vessel in order to ensure the safe navigation of that or other vessels within the Dockyard Port.

Shipkeepers

3. No merchant or other private vessel of above ten metres in length, 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 shipkeeper.

Special navigation regulations

4. No merchant or other private vessel shall navigate—

(a) within 50 metres of the walls, slipways and boundaries of HM Naval Base and Crown Establishments;

(b) within 50 metres of any of Her Majesty's vessels (save for submarines) or foreign warships or auxilliaries; or

(c) within 100 metres of submarines berthed alongside HM Naval Base.

Fishing

5.—(1) Any person fishing in the Dockyard Port shall comply with any directions given to him by the Queen's Harbour Master.

(2) No fishing from any vessel or by persons swimming under the water shall be carried out either within—

(a) 100 metres of the walls, slipways or boundaries of Her Majesty's Dockyard or other Crown Establishments; or

(b) 150 metres of any of Her Majesty's vessels,

save with the licence in writing of the Queen's Harbour Master.

(3) No fishing shall at any time be carried out either—

(a) within 125 metres of either side of the recommended tracks for vessels leading through Plymouth Sound to the Hamoaze shown on current Admiralty charts; or

(b) on the line of any electric cable or pipe as described in regulation 19.

(4) In any area in which anchorage is prohibited under Regulation 22 there shall be no—

(a) trawling or fishing by any nets, long lines or rods;

(b) laying, movement or lifting of lobster or crab pots, marked or unmarked; or

(c) installing of equipment in connection with fish farming

carried out from vessels in the said area.

(5) All lines used in connection with lobster or crab pots or similar devices shall be non-buoyant, and where any line of pots is less than 100 metres in length, only one end need be clearly marked, such mark indicating the identity of the owner of the said pots.

(6) in the navigable channels of the Rivers Plym, Tamar, Tavy and Lynher and of Millbrook and Saint John's Lakes netting of fish may take place only if—

(a) the nets are tended throughout;

(b) sufficient navigable water is left for other craft to navigate the channel;

(c) anchored vessels are not impeded.

Diving

6. No person who is wearing or equipped with clothing or apparatus designed or adapted for swimming under water or diving shall swim under water or dive within—

(a) 100 metres of the walls, slipways, or boundaries of Her Majesty's Dockyards or other Crown Establishments;

(b) 150 metres of any of Her Majesty's vessels;

(c) 125 metres of either side of the recommended tracks for vessels leading through Plymouth Sound to the Hamoaze shown on current Admiralty charts;

(d) the fairways of the Dockyard Port; or

(e) any area where anchorage is prohibited under regulation 22,

save with the permission of the Queen's Harbour Master.

Swimming

7. No person shall swim on the surface or underwater within—

(a) 100 metres of the walls, slipways or boundaries of Her Majesty's Dockyards or other Crown Establishments;

(b) 150 metres of any of Her Majesty's vessels;

(c) any area where anchorage is prohibited under regulation 22,

save with the permission of the Queen's Harbour Master.

Parascending and similar activities

8. No person shall engage or take part in parascending or other activity involving the towing of a kite or other thing, from a vehicle on land or water, in such a manner as to cause it to ascend until it is airborne in any part of the Dockyard Port save with permission of the Queen's Harbour Master.

Firearms, weapons and explosives

9.—(1) Save as provided by paragraph (3) below, no firearm, air-gun or explosive shall be discharged from any merchant or other private vessel within the limits of the Dockyard Port.

(2) No ship's gun on board any merchant or other private vessel lying within the limits of the Dockyard Port shall be loaded, except in so far as may be necessary from time to time for training personnel in the loading and unloading of the equipment or for testing its mechanism, nor shall any such gun be discharged except as a signal of distress.

(3) Race starting pistols, cannons and guns may be discharged for the sole purpose of controlling water based racing activities provided that blank ammunition rounds only are fired.

Dumping of rubbish, etc

10. Save with the licence in writing of the Queen's Harbour Master no person shall unload, cast or allow to fall into the water of the Dockyard Port, or on the shore of the Dockyard Port where the same may be able to fall into or to be washed into the said waters, any ballast, stones, earth, clay, refuse, or any other substance or object.

Reserved and recreational areas

11.—(1) The Secretary of State or 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 other vessels both naval and civilian, issue a general or local notice, which shall continue in force until 31 December of the year in which it was issued, unless revoked earlier, prohibiting any person from—

(a) causing or permitting a vessel to enter into or remain in that area, unless compelled to do so by stress of weather or to avoid accident;

(b) entering into or remaining in that area, or from causing or permitting 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) taking 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.

Use of whistle

12. A whistle shall not be used within the limits of the Dockyard Port except—

(a) in accordance with the Rules contained in Schedule 2 to this Order;

(b) as a signal of distress;

(c) to prevent collision;

(d) in any condition affecting visibility;

(e) to test the whistle, provided that permission to do so has first been obtained from the Queen's Harbour Master.

Anchoring and mooring

General

13. Without prejudice to Regulation 1, all anchoring and mooring shall be subject to any directions of the Queen's Harbour Master.

Moorings for Her Majesty's vessels, etc

14. Moorings for Her Majesty's vessels, buoys, lights, marks, mark buoys 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 Service.

Private moorings

15.—(1) This Regulation shall apply to:

(a) areas outside the jurisdiction of the local Harbour or Docks Authority;

(b) any area designated by the Queen's Harbour Master in a local or general Notice to Mariners.

(2) No person shall in an area to which this Regulation applies lay moorings for merchant or other private vessels, hulks, rafts, pontoons, bathing stages, racing marks, house boats, timber or any floating structures in the Dockyard Port, save with the licence in writing of the Queen's Harbour Master, and all such moorings shall be in such positions as the Queen's Harbour Master shall deem fit.

16. Any moorings anywhere within the Dockyard Port shall be removed forthwith on the order of the Queen's Harbour Master.

17. The local Harbour or Docks Authority shall inform the Queen's Harbour Master of any proposals for altering the mooring arrangements in those areas within its jurisdiction.

Clearing anchors and moorings

18. If at any time the anchor of any merchant or other private vessel hooks any Crown moorings, or any electric cable, or moorings of buoys, or any pipe, the master of such vessel shall immediately give notice thereof to the Queen's Harbour Master and shall, if it is safe and practical, await his instructions before proceeding to clear the same.

19. No merchant or other private vessel shall anchor on the line of any electric cable or pipe laid down in the Dockyard Port when such a line is indicated by posts or other discernible marks on shore or is shown on current Admiralty charts.

20. No merchant or other private vessel 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 licence in writing of the Queen's Harbour Master;

(c) be moored or anchored within 100 metres of any of Her Majesty's Naval jetties, dolphins, vessels, hulks, installations or armament depots, or within 150 metres of the centre of any Naval moorings, save with the licence in writing of the Queen's Harbour Master;

(d) be moored, anchored or placed in the Dockyard Port, so as to give a foul berth to any vessels already at anchor or at moorings, or to obstruct passage within or entrance into Plymouth Sound or any other part of the Dockyard Port.

Anchorage in Plymouth Sound

21.—(1) The anchorage in Plymouth Sound for vessels over 7.5 metres draught shall be the area so indicated on current Admiralty charts east-north-eastward of New Grounds buoy, the position at the time of making this Order being shown on the chart annexed to this Order, and this anchorage shall be reserved for the use of Her Majesty's deep-draught naval vessels, and those commercial vessels with a draught of over 7.5 metres.

(2) Vessels of under 7.5 metres draught shall anchor in the area south-eastward of a straight line joining Fort Picklecombe and Mount Batten Tower, save in the prohibited anchorage covering the approach to Smeaton Pass.

(3) The anchorage for vessels in quarantine shall be the southern part of Jennycliff Bay south of 50°21'.00 North and eastward of the deep water channel.

22. Unless otherwise notified by the Queen's Harbour Master in a general or local Notice to Mariners no merchant or other private vessel shall anchor in—

(1) any area within the Dockyard Port shown as a prohibited anchorage on current Admiralty charts;

(2) any of the following areas shown on current Admiralty charts—

(a) the Western Channel and Eastern Channel entrances to Plymouth Sound, the approach therefrom to Smeaton Pass, and the water north of a straight line joining Fort Picklecombe and Mount Batten Tower, including Smeaton Pass, Drake Channel, and the Narrows together with Cobbler Channel and the Cattewater; but this prohibited area shall not include the Yacht Anchorage off the Hoe nor the Yacht Anchorage north of Drake's Island nor the Yacht Anchorage in Barn Pool;

(b) the prohibited anchorage north and south of the track of the Torpoint Ferry;

(c) the controlled mooring area adjacent to Mount Batten northwards;

(d) the prohibited anchorage off Penlee Point;

(e) the prohibited anchorage off the Shag Stone.

23.—(1) No vessels carrying explosives, save for those exempted by Regulation 33(2)(a) to (g) of the 1987 Regulations, shall anchor or moor within the Dockyard Port except in the following locations shown on current Admiralty charts:

(a) Number 2 and 22 anchorages in Plymouth Sound;

(b) "C", "D" and "E" mooring buoys in Plymouth Sound;

(c) "Capital Ship Trot 1", "Capital Ship Trot 2", "N9", "N10" and "N11" moorings in the River Tamar;

(d) Ernesettle Jetty;

(e) North, South and West Tamar Trots;

(f) Such other locations as the Queen's Harbour Master shall publish as a general or local Notice to Mariners.

(2) No merchant or other private vessel—

(a) carrying hazardous, dangerous or noxious substances (as defined in Regulation 8 of the 1987 Regulations), as cargo; or

(b) which is in ballast having previously carried any such substances as cargo, but which has not been gas-freed,

shall anchor or moor or secure alongside within the limits of the Dockyard Port save at a berth specified by the Queen's Harbour Master.

24. Where one of Her Majesty's vessels is anchored or moored in the Dockyard Port and displaying the signals described in Rule 3(2) of Schedule 2—

(a) no merchant or other private vessel shall moor or anchor within 700 metres of any such of Her Majesty's vessels without the prior permission of the Queen's Habour Master;

(b) no merchant or other private vessel—

(i) carrying hazardous, dangerous or noxious substances (as defined in Regulation 8 of the 1987 Regulations) as cargo; or

(ii) which is in ballast having previously carried any such substances as cargo, but which has not been gas-freed,

shall anchor or moor within 1,000 metres of any such of Her Majesty's vessels without prior permission of the Queen's Harbour Master.

Anchoring within the Dockyard Port

25. If in an emergency any vessel is obliged to anchor otherwise than in accordance with these Regulations, the master of such vessel shall as soon as practicable thereafter inform the Queen's Harbour Master.

Navigational marks, etc

26. No person shall trespass on, damage or without authority interfere with any light, beacon, sea-mark, tideboard, tidegauge, buoy, sign or notice of any description in the Dockyard Port.

Dredging for lost objects

27. Save with the licence in writing of the Queen's Harbour Master, no person shall dredge in the Dockyard Port with drags, hooks, nets or other apparatus for property dropped or thrown therein.

Landing on Plymouth Breakwater

28. Save with the licence in writing of the Queen's Harbour Master no person or aircraft may at any time land upon Plymouth Breakwater.

PART II

REGULATIONS NORMALLY APPLICABLE TO VESSELS OVER 25 METRES

General

29. Regulations 29 to 39 shall apply only to vessels over 25 metres in length provided that the Queen's Harbour Master may by notice published as a general or local Notice to Mariners extend the provisions therein where applicable to cover all shipping traffic when necessary for safety within the Dockyard Port or operational requirements connected with national defence.

Notification of arrival of inward bound vessels

30.—(1) The master of every vessel shall so far as practicable, at least 24 hours prior to arrival or on leaving the last port, whichever is the later, advise the Queen's Harbour Master of his estimated time of arrival at the line joining Penlee Point to the Shag Stone.

(2) The master of every vessel shall report by radio to the Queen's Harbour Master on passing each and either of the following reporting points—

(a) the line joining Penlee Point to the Shag Stone;

(b) Plymouth Breakwater.

(3) The master of every vessel shall, within 30 minutes after the vessel has completed mooring, or come to anchor, inform the Queen's Harbour Master of that fact.

Notification of departure of outward bound or shifting vessels

31.—(1) The master of every vessel which is berthed or anchored within the Dockyard Port and proposes to navigate within the Dockyard Port for the purpose of either leaving the Dockyard Port or shifting berths within the Dockyard Port shall—

(a) so far as is practicable give prior notice to the Queen's Harbour Master of his intention—

(i) not less than 60 minutes before he proposes to begin the navigation, and again

(ii) within 10 minutes of the time when he proposes to begin the navigation, and

(b) inform the Queen's Harbour Master on completion of the navigation or when passing Plymouth Breakwater outbound.

(2) In the event of it proving impractical to give the notice required in sub-paragraph (1)(a) above, the master or agent shall as soon as practicable advise the Queen's Harbour Master of the proposed navigation.

(3) The master shall notify the Queen's Harbour Master as soon as is practicable of any change to any notice given under sub-paragraph (1)(a) above.

Anchoring within the Dockyard Port

32. No vessel over 25 metres in length shall anchor within the Dockyard Port north of the line joining Penlee Point to the Shag Stone without the prior permission of the Queen's Harbour Master.

Tows inwards or outwards

33.—(1) Without prejudice to Regulation 30(1), the master of every vessel, other than a tug when employed in assisting the berthing of a powered vessel, towing another vessel within the Dockyard port, shall give prior notice to the Queen's Harbour Master not less than 60 minutes prior to commencement of the tow.

(2) Where notice is given pursuant to paragraph (1) the notice shall be accompanied by any of the following details:

(a) whether the tow involves a dead ship, abnormal tow, partially disabled ship, is unstable or has an excessive list or trim, is leaking bunkers or oil, chemical or gas cargo;

(b) any other defect which may cause the tow to be a hazard within the Dockyard Port.

Vessels with mechanical, equipment or structural defects

34.—(1) No vessel shall be navigated within the Dockyard Port except with the permission of the Queen's Harbour Master in accordance with any conditions attached thereto if the vessel has any of the following defects:

(a) defects to main engines, steering gear or other auxiliary machinery which may affect the manoeuvring of the vessel;

(b) inoperable equipment which may affect the safe navigation of the vessel including but without limitation to Very High Frequency radiotelephony equipment, radar, compass, whistle or siren, or rudder indicator;

(c) inoperable capstans, winches, mooring winches, or anchors that are not cleared and ready for use;

(d) a list of over five degrees or is excessively out of trim;

(e) any cargo, or any hull or machinery damage which may affect the safety of the vessel or the containment or safety of the cargo or bunkers;

(f) it is unseaworthy in any respect.

(2) The master of every vessel shall make a declaration to the Queen's Harbour Master that his vessel does not have any of the defects specified in paragraph (1) above at the same time as he advises or is required by Regulations 30 to 32 to advise the Queen's Harbour Master of his intention to navigate within the Dockyard Port.

Vessels carrying hazardous, dangerous, noxious or polluting substances as cargo

35.—(1) This Regulation applies to any vessel which is carrying:

(a) Any articles or substances falling within Class 1 in the IMDG Code other than:

(i) explosives assigned to Hazard Division 1.4 and Compatibility Group S as defined by the IMDG Code;

(ii) distress signals assigned either to Hazard Division 1.2, 1.3 or 1.4 as defined by the IMDG Code;

(iii) fireworks assigned to Hazard Division 1.4 (Fireworks Type D) as defined by the IMDG Code;

(b) any liquefied gas in bulk listed in the International Gas Carrier Code for Existing Ships or in the International Gas Carrier Code for new ships;

(c) any hazardous liquid chemical cargo in bulk listed in IBC Code;

(d) any hazardous liquid chemical cargo in packages (Classes 2, 3, 4, 5, 6, 8 or 9 of the Codes referred to in sub paragraphs (b) and (c) above);

(e) Radioactive Substances.

(2) The master of any vessel to which this Regulation applies shall—

(a) give notice to the Queen's Harbour Master, not less than 24 hours in advance, or within one hour before expected time of departure from the last port of call, whichever is the later, of—

(i) his intention to navigate within the Dockyard Port and of the nature of the cargo, and

(ii) if the vessel is in ballast but not gas-freed after a previous cargo, the nature of that cargo, in accordance with the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995(**a**); and

---

(**a**) SI 1995/2498.

(b) on giving notice under subparagraph (a) above of leaving the Dockyard Port or shifting berth, inform the Queen's Harbour Master of the nature of the vessel, its cargo and that the vessel is in possession of a valid Certificate of Fitness to carry such hazardous cargo or has the prior permission of the Queen's Harbour Master.

(3) No vessel to which this Regulation applies, but which is not in possession of a valid Certificate of Fitness to carry such hazardous cargo, shall navigate within the Dockyard Port except with the prior permission of the Queen's Harbour Master and in accordance with any conditions attached thereto.

(4) Any vessel to which this Regulation applies shall only anchor in such a position as directed by the Queen's Harbour Master and while at anchor shall remain at immediate notice to get underway.

Carriage of very high frequency radiotelephony equipment

36.—(1) All vessels wishing to navigate within the Dockyard Port are required to carry fixed or portable Very High Frequency radiotelephony equipment, which shall comply with the Merchant Shipping (Radio Installation) Regulations 1992(**a**)

(2) Every vessel shall maintain a listening watch in the wheelhouse on the frequency of 156.8 Megahertz (Channel 16), or any other frequency that the Queen's Harbour Master from time to time may order, when it is within the Dockyard Port.

(3) Vessels not carrying Very High Frequency radiotelephony equipment in accordance with paragraph (1) above shall not navigate in the Dockyard Port exept with the prior permission of the Queen's Harbour Master.

Vessels grounded, on fire or which have been in collision within the Dockyard Port

37. Where any vessel has grounded, is on fire or has been in collision within the Dockyard Port, the master of that vessel shall—

(a) give immediate notice to the Queen's Harbour Master of the position of the vessel, known damage, confirmation of cargo or any other information required by the Queen's Harbour Master; and

(b) not navigate the vessel other than for the safety of the vessel except with the prior permission of the Queen's Harbour Master and in accordance with his directions.

Vessels which have been grounded, had a fire, been in collision or sustained damage outside the Dockyard Port

38.—(1) This Regulation shall apply to every vessel which is outside the Dockyard Port and which is intended to be navigated within the Dockyard Port and which has—

(a) been grounded, had a fire, or been in collision; or

(b) sustained damage to its structure, equipment or machinery; or

(c) sustained movement or instability of cargo has led to a list or likelihood of a list.

(2) The master of a vessel to which this Regulation applies shall give notice to the Queen's Harbour Master on the condition of his vessel and of its cargo, such notice to be given at least 24 hours prior to the vessel's estimated time of arrival at the straight line joining Penlee Point to the Shag Stone or as soon as possible after the incident whichever is later.

(3) A vessel to which this Regulation applies shall only navigate within the Dockyard Port with the prior permission of the Queen's Harbour Master.

Use of automatic pilot steering devices

39. 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 other than the master or a pilot is in attendance at a steering position to steer the vessel manually immediately circumstances so require.

Vessels wishing to adjust compasses within the Dockyard Port

40. The master of every vessel shall give the Queen's Harbour Master at least 24 hours prior notice of the intent to adjust the compass of the vessel and to confirm the intention to adjust compasses immediately prior to commencing to do so.

(**a**) SI 1992/3.

SCHEDULE 2

Article 5

RULES

Collision Regulations

1. All vessels when within the limits of the Dockyard Port shall, except as is otherwise provided in Rules 3 and 9(2) below, carry such lights, flags or shapes prescribed by the Collision Regulations and all vessels shall observe the steering and sailing rules set forth in such Regulations except in so far as they are inconsistent with the Rules hereinafter contained.

Narrow channels

2. For the purposes of the Collision Regulations and Rule 13 of this Schedule all the navigable waters of the Dockyard Port north of 50°20′.00 North, that is to say the line passing through Plymouth Breakwater in an east-west direction, shall be deemed to be a 'narrow channel'.

Anchor and other lights and signals (exemptions) etc

3.—(1) Unmanned vessels and vessels with only shipkeepers on board, where secured to moorings out of the fairway, may be exempted by the Queen's Harbour Master from the necessity of carrying anchor lights.

(2) Vessels carrying cargoes of hazardous, dangerous or noxious substances as defined in Regulation 8 of the 1987 Regulations when anchored, moored, or secured alongside within the Dockyard Port shall, in addition to the lights and shapes prescribed in Rule 30 of the Collision Regulations, display the following lights or signals:

(a) between sunset and sunrise, a red all round light visible for 2 nautical miles situated above any other light being displayed by the vessel;

(b) between sunrise and sunset, a red swallow-tailed flag (International Flag Bravo) at the masthead which shall also be displayed when the vessel is underway.

(3) Submarines secured to buoys within the Dockyard Port shall, without prejudice to any requirement prescribed by Rule 30 of the Collision Regulations, display between sunset and sunrise an all round amber light, flashing at a frequency of between 90 and 105 flashes per minute.

4.—(1) The Queen's Harbour Master may on any occasion when it is necessary to facilitate or ensure a clear passage for any vessel or for any other purpose, direct the Plymouth Port Control traffic light signals to be displayed.

(2) All vessels within the area bounded on the north by latitude 50° 24′.0 North and on the south by the southern limit of the Dockyard Port, are to observe the restrictions appropriate to that signal as specified below, for so long as the signal is displayed.

(3) Light signals displayed over Plymouth Sound located for the time being on Drake's Island shall govern the movement of vessels to seaward of a line drawn due south from Mutton Cove to Cremyll. Light signals displayed at Flag Port Control Station shall govern the movement of vessels north and west of a line drawn due south from Mutton Cove to Cremyll.

(4) The light signals will be disposed vertically and shall have the following meanings—

Unlit:	No restrictions unless a contrary intention is given on Very High Frequency radiotelephony Channel 13, 14 or 16.
3 red flashing lights:	Serious emergency. All traffic movements suspended throughout the Dockyard Port except as specifically directed by Flag or Longroom Port Control Station.
1 red occulting light over 2 green occulting lights:	Outgoing traffic only may proceed along the channel for deep draught vessels. Vessels requiring to cross that channel are to seek Port Control Station approval. Vessels navigating in the Hamoaze are to ensure a clear passage for any vessel required to be given clear passage in accordance with paragraph (6)(a) of this rule proceeding southward in the main channel.
2 green occulting lights over 1 red occulting light:	Incoming traffic only may proceed along the channel for deep draught vessels. Vessels requiring to cross that channel are to seek Port Control Station approval. Vessels navigating in the Hamoaze are to ensure a clear passage for any vessels required to be given clear passage in accordance with paragraph (6)(a) of this Rule proceeding northward in the main channel.

2 green occulting lights over 1 white occulting light:	Traffic may proceed in either direction but shall give a wide berth to any vessel designated in paragraph (6)(a) of this Rule proceeding along the channel for deep draught vessels or navigating in the Hamoaze.
3 green fixed lights:	Entrance to the Dockyard Port permitted.
3 fixed lights; red over green over red:	Movement of shipping within the Dockyard Port prohibited.

(5)(a) Subject to paragraph 5(b) below, when any of the light signals specified in paragraph (4) of this Rule are displayed—

(i) no vessel shall enter the main channel so governed except in the direction indicated by the light signals;

(ii) vessels already in the said channel and proceeding in a contrary direction shall clear the said channel;

(iii) Notwithstanding any light signal displayed under paragraph (4) (other than the serious emergency signal) vessels of less than 20 metres in length may proceed in the contrary direction, so long as they navigate with caution and do not impede the passage of any vessel or vessels for which the light signal is being displayed.

(b) When the serious emergency signal as specified in paragraph (4) above is displayed, all vessels are to remain alongside or at anchor until movement is approved by the Queen's Harbour Master. Vessels already underway shall either return to their point of departure or proceed to their destination (whichever is closer) or act as directed by either port control station.

(6)(a) Vessels which are to be given a clear passage, or the tug or tugs in attendance on such vessels shall display the international Code Pennant superior to Pennant Zero by day (no signal being displayed by night), while underway in the area specified in paragraph (2) of this Rule.

(b) Any master in any doubt as to which vessel is favoured by the traffic lights should call the appropriate port control station by any means to seek the answer.

5. When within the limits of the Dockyard Port the signals, lights and shapes prescribed in the Collision Regulations for a vessel not under command, or constrained by her draught, or restricted in her ability to manoeuvre are exhibited

(a) by any of Her Majesty's vessels, by any vessel in the charge of Her Majesty's Officers or any other deep draught vessel; or

(b) by any tug or tugs attending such vessels,

then all other vessels underway shall keep clear of such vessel, tug or tugs, provided always that nothing in this Rule shall relieve the restricted vessel or any attendant tug of the duty to navigate with care and at safe speed.

Low visibility

6. When visibility is less than 500 metres the Queen's Harbour Master may suspend all traffic and control individual movements.

Vessels entering or leaving Her Majesty's Naval Base

7. When any of Her Majesty's vessels in the charge of Her Majesty's Officers is turning in, entering or leaving Her Majesty's Naval Base at Devonport, every other vessel of whatever size underway in the vicinity of the said Naval Base shall then keep clear of that vessel and of tugs which may be in attendance upon her.

Pilotage

8. Save where the Queen's Harbour Master directs otherwise pilotage of vessels by qualified Admiralty pilots is mandatory for—

(a) any of Her Majesty's vessels entering, leaving or otherwise navigating within the Dockyard Port;

(b) any government owned vessels or auxiliaries, or any foreign warships or auxiliaries navigating within the Dockyard Port for the purposes of taking up or leaving a Ministry of Defence owned berth, dock, or mooring;

(c) any vessel, including government chartered vessels, proceeding between Plymouth Sound and a Ministry of Defence owned berth, dock or mooring within the Dockyard Port.

Harbour ferries

9.—(1) Any harbour ferry vessel or floating bridge plying in the Dockyard Port shall give way to any other vessel which can only navigate in a narrow channel or fairway.

(2) Yachts and other recreational vessels shall be handled in such a way that interference with the timely operation of floating bridges on fixed tracks is reduced to the minimum.

(3) Instead of the lights directed to be carried by the Collision Regulations, any floating bridge which is confined to a fixed track shall display the following lights—

(a) carry four lights, one at each corner, showing white ahead and astern in the direction of the ferry track and red on the beam or athwart the ferry track;

(b) when such floating bridge is in progress an amber flashing light at the masthead at the leading end in the direction of progress;

(c) where such floating bridge is being used by the emergency services, a blue flashing light shall be displayed below the said amber flashing light indicating direction of progress.

(4) Any light referred to under paragraph (3) above must be visible for at least two nautical miles.

(5) Where visibility is less than 300 metres, any floating bridge in progress or stopped temporarily along a ferry track, shall ring a bell rapidly for between 4 and 6 seconds duration at intervals of not more than 30 seconds.

Speed limits in certain areas

10.—(1) Except as provided for in paragraph (2) below no vessel shall exceed a speed of 10 knots through the water north of 50°20′.00 North (the latitude of Plymouth Breakwater) or any waters of the Dockyard Port within 400 metres of the shore, save with a licence in writing signed by the Queen's Harbour Master.

(2) Vessels under 15 metres in length overall may exceed the speed limit specified in paragraph (1) above in the following areas—

(a) Plymouth Sound outside 400 metres from the shore and in the access lane for water-skiers and jet-skiers which is bounded to the east by the line joining Fisher's Nose to the western extremity of Mount Batten Breakwater, and bounded to the west by the line joining the western extremity of the Royal Plymouth Corinthian Yacht Club to the West Mallard Buoy;

(b) water skiing Areas shown on current Admiralty charts;

(c) such other areas of the Dockyard Port as the Queen's Harbour Master shall from time to time determine and publish as a local Notices to Mariners.

(3) No vessel within the Dockyard Port shall exceed a speed of 8 knots through the water to the east of a line drawn from Fisher's Nose to the western end of Mount Batten Breakwater, save with a licence in writing signed by the Queen's Harbour Master and where authorised in accordance with paragraph (2) (b) above.

(4) No vessel within the Dockyard Port shall exceed a speed of 4 knots through the water in the approaches to Sutton Harbour north of a line drawn due east from Fisher's Nose, save with a licence in writing signed by the Queen's Harbour Master.

(5) No vessel shall exceed a speed of 4 knots through the water in designated Bathing Areas shown on current Admiralty charts.

(6) No vessel shall exceed a speed of 4 knots through the water in designated Diving Areas shown on current Admiralty charts.

Vessels to be navigated with care and caution

11. The master of a vessel navigating within 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

12. The master of a vessel shall not navigate within the Dockyard Port when unfit by reason of drink or drugs to do so.

Vessels passing within the narrow channels of the Dockyard Port

13. Notwithstanding Rule 4, when two power-driven vessels proceeding in opposite directions are about to meet one another in any narrow channel of the Dockyard Port, the power-driven vessel navigating against the tidal stream shall give priority of passage through such narrow channel to the vessel navigating with the tidal stream by easing her engines and waiting until the vessel navigating with the tidal stream shall have passed clear.

Vessels turning round

14. Within the limits of the Dockyard Port, a power-driven vessel underway which is about to turn round shall sound five short blasts on the whistle in rapid succession, followed after a short interval by—

(a) one short blast if turning with her head to starboard;

(b) two short blasts if with her head to port.

Signal directing vessels and boats to keep out of the way

15. If any power-driven vessel underway within the limits of the Dockyard Port is at risk of colliding with any other vessel, she shall sound one prolonged blast followed by two short blasts on the whistle, and all other vessels shall take all reasonable steps to keep out of the way.

Special sound signals for vessels leaving Millbay Docks

16. All vessels over 60 metres in length, shall when leaving Millbay Docks and prior to entering the main channel, sound one prolonged blast, in accordance with Rule 34(e) of the Collision Regulations.

Marking of wrecks and submerged obstructions

17. 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 or owner of such vessel shall immediately notify the Queen's Harbour Master.

Diving signals

18.—(1) If the size or construction of a craft or vessel engaged in diving operations makes it impracticable to exhibit the shapes prescribed in Rule 27(d) of the Collision Regulations, a rigid replica of the International Code Flag "A" not less than 600 millimetres in height shall be exhibited and measures taken to ensure all-round visibility, such replica to be illuminated between sunset and sunrise on the approach of other vessels.

(2) Free swimming divers are to be marked by short-scope orange marker buoys, such buoys to be lit between sunset and sunrise with a white or amber light.

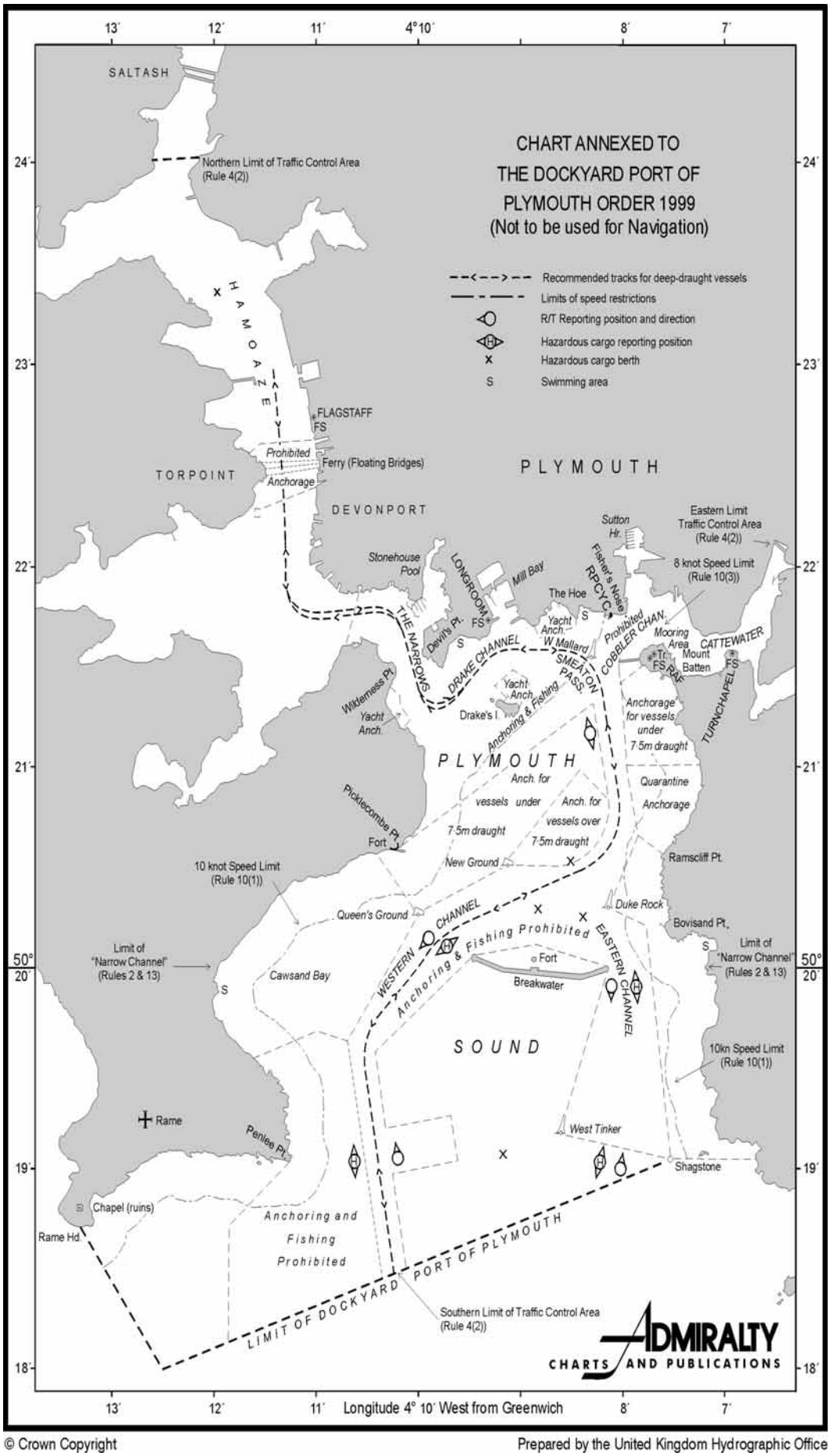
Blue flashing lights

19.—(1) Vessels of the following organisations are authorised to exhibit a blue flashing light in the course of their duties:

Queen's Harbour Master Plymouth
Ministry of Defence Police
Her Majesty's Customs and Excise
Her Majesty's Coastguard
Devon and Cornwall Constabulary—Marine Police Unit
Devon Fire and Rescue Service—Plymstock Fire boat
The Royal National Lifeboat Institution
The Torpoint Ferry

(2) Save with the licence in writing signed by the Queen's Harbour Master no other vessel is to exhibit a blue flashing light (of any frequency) on the waters of the Dockyard Port of Plymouth.

(3) All vessels shall be ready to respond to instructions and requests for assistance from vessels displaying blue flashing lights.



© Crown Copyright

Prepared by the United Kingdom Hydrographic Office

EXPLANATORY NOTE

(This Note is not part of the Order)

1. This Order is made under the Dockyard Ports Regulation Act 1865, which provides for the defining of the limits of a Dockyard Port, the appointment of a Queen's Harbour Master, the making of regulations to govern the mooring or anchoring of vessels and the making of rules concerning the lights or signals to be carried or used and the steps for avoiding collision by vessels navigating within the Dockyard Port.

2. This Order supersedes the Dockyard Port of Plymouth Order 1984 which it revokes. It provides for—

(a) an increase in areas in which fishing is prohibited;
(b) controls on the use of firearms, weapons and explosives;
(c) revision to arrangements for notification to the Queen's Harbour Master of intentions regarding the arrival and departure of vessels;
(d) revision to light signals used to control vessel movements;
(e) pilotage of vessels by qualified Admiralty pilots;
(f) revision to signals displayed by floating bridges;
(g) reductions in speed limits in certain areas;
(h) rules governing personal conduct of masters of vessels;
(i) controls on swimming;
(j) rules regarding the use of blue flashing lights.

3. Admiralty charts relating to the Dockyard Port area can be bought from authorised suppliers; details of these suppliers can be obtained from the Hydrographic Office, Taunton.

ISBN 0-11-082975-1

£3.00

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
WO 5135 7/99 396068 19585

9 780110 829753