

2020 No. 1261

HARBOURS, DOCKS, PIERS AND FERRIES

The Dockyard Port of Plymouth Order 2020

Made - - - - *11th November 2020*

Laid before Parliament *18th November 2020*

Coming into force - - *10th December 2020*

At the Court at Windsor Castle the 11th day of November 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty on the advice of Her Privy Council and in exercise of the powers conferred by sections 3, 5, 6 and 7 of the Dockyard Ports Regulation Act 1865^(a) makes the following Order.

The power under section 7 of that Act is exercised on the joint recommendation of the Secretary of State for Defence and the Secretary of State for Transport^(b).

Citation and commencement

1. This Order may be cited as the Dockyard Port of Plymouth Order 2020 and comes into force on 10th December 2020.

Revocation of the Dockyard Port of Plymouth Order 1999

2. The Dockyard Port of Plymouth Order 1999^(c) is revoked.

Interpretation

3. In this Order—

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

“auxiliary” means a vessel in use for the purpose of supporting naval or military forces;

“the dockyard port” means the dockyard port of Plymouth as described in Article 4;

(a) 1865 c. 125; section 6 was amended by Schedule 3 to the Criminal Justice Act 1982 (c. 48) and the Statute Law Repeals Act 1993 (c. 50).

(b) The functions vested in the Board of Trade under section 7 of the Dockyard Ports Regulation Act 1865 are now vested in the Secretary of State for Transport by virtue of section 2(1) (repealed) of the Ministry for Transport Act 1919 (c.50), S.R. & O. 1919/1440, S.I. 1965/145, S.I. 1970/1537, S.I. 1974/692, S.I. 1983/1127, S.I. 1997/2971, S.I.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. 1999/2029.

“local harbour authority” means any harbour authority within the meaning of section 57 of the Harbours Act 1964(a) that exercises any function in relation to any area within the dockyard port of Plymouth;

“permission” means permission from the Queen’s Harbour Master, unless otherwise stated in this Order;

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

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

“vessel” includes every description of watercraft, seaplane, non-displacement craft, submersibles, personal watercraft, sailboard, and craft of every kind however navigated, propelled or moved.

Description of limits

4.—(1) For the purposes of the Act and this Order, the limits of the dockyard port are the waters so far as the tide flows north of the line for the time being shown on Admiralty charts joining the following points (datum WGS 84)—

- (a) Latitude 50°18’.680N., Longitude 04°13’.355W (Rame Head);
- (b) Latitude 50°18’.032N., Longitude 04°12’.561W (175° Rame Head Chapel 1.25 nautical miles);
- (c) Latitude 50°19’.068N., Longitude 04°07’.595W (Shag Stone); and
- (d) Latitude 50°19’.068N., Longitude 04°06’.783W (Haybrook Bay).

(2) The limits of the dockyard port are drawn on the chart annexed to this Order.

Permission

5.—(1) Unless otherwise stated in this Order, the Queen’s Harbour Master may—

- (a) determine the form of any permission granted under this Order; and
- (b) attach such conditions to any permission granted under this Order as he or she considers necessary for the protection and safe operation of the dockyard port.

(2) The master of any vessel or any other person in the dockyard port to whom permission has been granted under this Order must comply with any condition attached to such permission.

Regulations and Rules

6. Schedule 1 contains regulations for the purposes set out in section 5 of the Act.

7. Schedule 2 contains rules for the purposes set out in section 7 of the Act.

Local harbour authorities

8. Where the Queen’s Harbour Master exercises a function under this Order in relation to commercial shipping traffic he or she must have regard to the functions and responsibilities of any local harbour authority, subject to any operational requirement connected to national defence.

Penalties

9.—(1) A person is guilty of an offence if he or she—

(a) 1964 c. 40.

- (a) infringes a regulation in Schedule 1; or
 - (b) does not comply with a direction given under Schedule 1.
- (2) The master of a vessel is in addition guilty of an offence if—
- (a) the vessel infringes a regulation in Schedule 1; or
 - (b) he or she fails to prevent a member of the vessel’s crew or a passenger on the vessel committing an offence under paragraph (1).
- (3) A person guilty of an offence under paragraphs (1) or (2) is liable on summary conviction in England and Wales to a fine not exceeding level 3 on the standard scale.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 6

PART 1

Regulations of general application

Interpretation

1. In this Schedule—

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

“dangerous goods” has the same meaning as in regulation 3 (meaning of “dangerous goods”) of the Dangerous Goods in Harbour Areas Regulations 2016(a);

“dredging” includes the removal or displacement of material from the seabed and the use of hooks, nets or other apparatus to recover items from the seabed;

“foreign warship” means a vessel authorised to fly the naval ensign of a foreign state;

“Naval Base” means Her Majesty’s Naval Base Devonport, including any buildings, basins, quays and docks in the base regardless of how they are occupied; and

“VHF” in relation to radiotelephony equipment or radio channels means Very High Frequency.

General power of direction

2. The Queen’s Harbour Master may direct the master of a vessel or any other person either to do or cease doing anything in the dockyard port if the Queen’s Harbour Master considers it necessary—

- (a) to protect Her Majesty’s vessels or property or the dockyard port; or
- (b) to meet any requirement of Her Majesty’s naval service.

Control of movements within the dockyard port

3.—(1) A vessel of 20 metres or more in length must enter, depart from, or navigate within the dockyard port under the direction of the Queen’s Harbour Master.

(a) S.I. 2016/721.

(2) The master of any vessel must comply with any direction of the Queen's Harbour Master in relation to the movement of the vessel.

Prohibited areas

4. A merchant vessel or other private vessel must not navigate within—

- (a) 50 metres of the walls, slipways or boundaries of the Naval Base or any Crown Establishment;
- (b) 50 metres of one of Her Majesty's vessels or auxiliaries, or a foreign warship or auxiliary; or
- (c) 100 metres of a submarine that is berthed alongside the Naval Base or secured to any buoy in the dockyard port.

Pilotage

5.—(1) The following vessels must be piloted in the dockyard port by a qualified Admiralty pilot—

- (a) any of Her Majesty's vessels or auxiliaries entering, leaving or navigating in the dockyard port;
- (b) any vessel owned or used by the government, or any foreign warship or auxiliary, navigating within the dockyard port to take up or leave a berth, dock or mooring at the Naval Base or any Ministry of Defence owned berth, dock or mooring in the dockyard port, or to conduct military operations in the dockyard port; or
- (c) any vessel proceeding between Plymouth Sound and a berth, dock or mooring at the Naval Base or any Ministry of Defence owned berth, dock or mooring in the dockyard port.

(2) The Queen's Harbour Master may direct that this regulation does not apply to a vessel.

Speed limits

6.—(1) A vessel in the dockyard port must not—

- (a) exceed without permission a speed of 10 knots through the water—
 - (i) north of 50°20'.000N (Plymouth breakwater); or
 - (ii) within 400 metres of the shore south of latitude 50°20'.000N (Plymouth breakwater);
- (b) exceed without written permission a speed of 8 knots through the water east of the line joining 50°21'.798N 004°08'.015W (Fisher's Nose) and 50°21'.560N 004°08'.128W (western end of Mount Batten breakwater);
- (c) exceed without written permission a speed of 4 knots through the water in the approaches to Sutton Harbour north of latitude 50°21'.798W (Fisher's Nose); or
- (d) exceed a speed of 4 knots through the water in an area shown on Admiralty charts as designated for bathing or diving.

(2) Subparagraph (1) does not apply to a vessel under 15 metres in length when it is in—

- (a) a high-speed area marked on Admiralty charts;
- (b) Plymouth Sound when over 400 metres from the shore; or
- (c) an area determined by the Queen's Harbour Master and published in the form of a local notice to mariners.

Vessels to be navigated with care and caution

7. The master of a vessel or any other person navigating within the dockyard port must navigate the vessel with care, caution and reasonable consideration for the occupants of other vessels and must not cause damage or danger to any other vessel, person, mooring or to any other property.

Conduct within the dockyard port

8. The master of a vessel or any other person must not navigate within the dockyard port when under the influence of intoxicating drink, drugs or other substances.

Wrecks and submerged objects

9.—(1) The person or persons responsible for a vessel or object must notify the Queen's Harbour Master immediately if the vessel or object—

- (a) sinks or is stranded in the dockyard port; or
- (b) becomes a wreck in the dockyard port,

and as a result causes, or is likely to cause, an obstruction.

(2) For the purposes of subparagraph (1), the person or persons responsible for a vessel or object are—

- (a) the owner, master or agent of the vessel; and
- (b) the owner of, or any other person in possession or control of, the object.

Fishing

10.—(1) A person fishing in the dockyard port must comply with any direction given to him or her by the Queen's Harbour Master.

(2) A person must not fish without permission—

- (a) within 100 metres of the walls, slipways or boundaries of the Naval Base or any Crown Establishment;
- (b) within 150 metres of any of Her Majesty's vessels or auxiliaries, or any foreign warship or auxiliary;
- (c) within 125 metres either side of the recommended tracks for vessels navigating through Plymouth Sound to the Hamoaze for the time being shown on Admiralty charts; or
- (d) on the line of any electric cable or pipe as described in paragraph 21.

(3) A person must not fish using nets in the navigable channels of the Rivers Plym, Tamar, Tavy and Lynher and of Millbrook and Saint John's Lakes, unless—

- (a) the nets are tended throughout;
- (b) sufficient navigable water is left for other craft to navigate the channel; and
- (c) any anchored vessels are not impeded.

(4) In an area in which anchorage is prohibited under paragraph 22 a person must not—

- (a) trawl or fish using any nets, long lines or rods;
- (b) lay, move or lift lobster or crab pots; or
- (c) install any equipment in connection with fish farming.

(5) All lines used in connection with lobster or crab pots or similar devices must be non-buoyant.

(6) All lines of lobster or crab pots must be clearly marked—

- (a) where the line of pots is 100 metres in length or less, by a float at one end; or
- (b) where the line of pots is over 100 metres in length, by a float at both ends.

(7) The identity of the owner of any lobster or crab pots is to be indicated on the float or floats that mark the lines of such pots.

Swimming and diving

11.—(1) A person must not swim or dive either on the surface or underwater without permission in the waters of the dockyard port within—

- (a) 100 metres of the walls, slipways or boundaries of the Naval Base or any Crown Establishment;
 - (b) 150 metres of any of Her Majesty's vessels or auxiliaries, or any foreign warship or auxiliary;
 - (c) 125 metres of either side of the recommended tracks for vessels navigating through Plymouth Sound to the Hamoaze for the time being shown on Admiralty charts;
 - (d) the fairways of the dockyard port; or
 - (e) an area in which anchorage is prohibited under paragraph 22.
- (2) A free-swimming diver must—
- (a) be individually marked with a short-scope orange marker buoy; and
 - (b) the marker buoy must be lit with a white or amber light between sunset and sunrise.
- (3) A vessel engaged in diving operations must maintain a continuous radio watch on maritime VHF Channel 14.

Parascending and similar activities

12.—(1) A person must not engage or take part in parascending or a similar activity in any part of the dockyard port without permission.

(2) In this paragraph—

- (a) “parascending” means towing a parachute by cable in such a manner as to cause it to ascend; and
- (b) “similar activity” means an activity, other than parascending, that involves the connection of a person to a kite or other device, or the towing of a kite or other device from a vehicle on land or water, in such a manner as to cause a person, kite or other device to become airborne.

Guns and explosives

13.—(1) A merchant or private vessel must not carry a gun or explosive in the dockyard port without permission unless—

- (a) the gun or explosive is carried to give an internationally recognised signal of distress; or
- (b) the gun or explosive is carried to control water-based racing activities.

(2) A person must not discharge a gun or explosive from a vessel in the dockyard port or over the waters of the dockyard port without permission except—

- (a) as a signal of distress; or
- (b) as a signal in connection with the conduct of water-based racing activities, provided only blank ammunition rounds are discharged.

(3) This paragraph applies in addition to any other legal requirement or prohibition relating to guns or explosives.

Dumping of rubbish, etc

14.—(1) A person must not discard or discharge any polluting substance or any object including ballast, stones, earth, clay or refuse without permission in or on—

- (a) the waters of the dockyard port;
- (b) the banks of the dockyard port; or
- (c) any part of the shores of the dockyard port where the substance or object may be washed into the waters of the dockyard port by rain, tide or otherwise.

(2) In this paragraph a substance or object is discarded if it is unloaded, thrown, dropped or allowed to fall.

Reserved areas

15.—(1) The Queen’s Harbour Master may direct that an area of the waters of the dockyard port is reserved (a “reserved area”) for one or more of the following purposes—

- (a) mining, gunnery, dredging operations or experiments;
 - (b) an activity carried out by Her Majesty’s naval service which does not fall within paragraph (a); or
 - (c) to ensure the safe navigation of vessels in the dockyard port.
- (2) A direction under subparagraph (1)—
- (a) must be published as a general or local notice to mariners; and
 - (b) remains in force until the end of the year in which it was made unless it has been revoked beforehand.
- (3) A person must not without permission—
- (a) enter or remain in a reserved area;
 - (b) cause or permit a vessel to enter or remain in a reserved area;
 - (c) cause or permit any other object or an animal to enter or remain in a reserved area; or
 - (d) take part in a specified recreational activity in a reserved area or a specified part of that area,

unless compelled to do so by stress of weather or to avoid danger.

(4) In subparagraph (3) “specified” means specified in the direction under subparagraph (1) which created the reserved area.

Vessels at anchor

16. A vessel of 10 metres or more in length that has been compelled or allowed to anchor in or near any navigable channels of the dockyard port, must not be left at any time without a person onboard having command or charge of it.

Placement of moorings and licences to operate moorings

17. The Queen’s Harbour Master may place moorings for Her Majesty’s vessels, buoys, lights, marks, marker buoys and other aids to navigation, and such other buoys as may be required, in such positions as he or she considers necessary.

18. The Queen’s Harbour Master may—

- (a) grant a licence to a person to operate an area of moorings in the dockyard port; and
- (b) attach any conditions to the licence he or she considers necessary for the safe and efficient operation of the dockyard port.

Restrictions on placing moorings

19.—(1) A person must not lay moorings in the dockyard port without permission unless—

- (a) the moorings are laid in an area of moorings operated by a person with a licence to do so under paragraph 18; and
- (b) the person with the licence consents to the mooring being laid in that area.

(2) The Queen’s Harbour Master may direct a person—

- (a) to place or move moorings in the dockyard port in or to a position in the dockyard port specified in the direction; or
- (b) to remove moorings from the dockyard port.

(3) Subparagraphs (1) to (2) do not apply to any area within the dockyard port that falls within the limits of a local harbour authority.

(4) A local harbour authority must inform the Queen's Harbour Master of any proposals to alter the mooring arrangements in those areas within its jurisdiction.

(5) In this paragraph a reference to moorings is to moorings for any vessels, hulks, rafts, pontoons, bathing stages, racing marks, houseboats, timber or any floating structure.

Vessels hooking moorings, cables or pipes

20. If the anchor of a vessel hooks a mooring, cable or pipe the master of the vessel must—

- (a) inform the Queen's Harbour Master as soon as reasonably practicable; and
- (b) if safe to do so, await the Queen's Harbour Master's instructions before attempting to clear the same.

21. A person must not anchor a vessel on the line of any under-sea cable or pipe in the dockyard port, where the line is indicated by posts or other discernible marks on shore or as shown on Admiralty charts.

Restrictions on mooring or anchoring vessels

22. A person must not do any of the following without permission—

- (a) moor or fasten a vessel to any of Her Majesty's naval moorings, buoys, breakwaters, boom defences, dolphins, jetties, piles or vessels within the dockyard port;
- (b) moor or anchor a vessel within 100 metres of any of Her Majesty's naval jetties, dolphins, vessels, hulks, installations, floating barriers or armament depots, or within 150 metres of any naval moorings;
- (c) moor, anchor or place a vessel so as to give foul berth to any vessels already at anchor or at moorings, or to obstruct passage within or at the entrance into the dockyard port; or
- (d) anchor a vessel in an area where anchoring is shown as prohibited—
 - (i) on Admiralty charts; or
 - (ii) in a general or local notice to mariners issued by the Queen's Harbour Master.

Anchorage in Plymouth Sound

23.—(1) The anchorage in Plymouth Sound for vessels with a draught of over 7.5 metres must be in the areas indicated on Admiralty charts east-north-eastward of New Grounds buoy (the position shown on the chart annexed to this Order).

(2) The anchorage in the area described in subparagraph (1) may only be used by one of Her Majesty's deep-draught vessels or auxiliaries, a foreign warship or auxiliary, or a merchant vessel with a draught of over 7.5 metres.

(3) Vessels with a draught of 7.5 metres or less may 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.

(4) The anchorage for vessels in quarantine shall be the southern part of Jennycliff Bay south of 50°21'.000N and eastward of the deep water channel (as shown on Admiralty charts).

Anchorage and mooring of vessels carrying explosives

24. The master of a merchant or private vessel that has been granted permission to carry guns or explosives in the dockyard port in accordance with paragraph 13(1), must only moor or anchor in the dockyard port under the direction of the Queen's Harbour Master.

Anchorage and mooring of vessels carrying dangerous goods

25.—(1) A merchant or private vessel—

- (a) carrying dangerous goods as cargo; or
- (b) which is in ballast having previously carried one or more dangerous goods as cargo, but which has not been gas freed,

must not be anchored, moored or secured alongside another vessel within the limits of the dockyard port except in accordance with a direction from the Queen's Harbour Master.

(2) In this paragraph "gas freed" means the process applied to a vessel by which sufficient fresh air has been introduced into all cargo tanks that previously contained dangerous goods to lower the level of any flammable, toxic or inert gas to a safe level.

Anchoring in emergencies

26. If, in an emergency, the master of a vessel anchors the vessel otherwise than in accordance with this Order, he or she must inform the Queen's Harbour Master as soon as reasonably practicable.

Navigational marks, etc

27. A person must not trespass on, damage or interfere with any light, beacon, sea mark, tide board, tide gauge, buoy, sign, mark or notice of any description within the dockyard port, without permission.

Dredging

28.—(1) A person must not dredge in the dockyard port except—

- (a) in accordance with a marine licence granted by the Marine Management Organisation;
- (b) in the exercise of a function of a local harbour authority; or
- (c) where the person has permission to dredge in order to recover items from the seabed.

(2) A person may only carry out dredging of a kind described in subparagraph (1)(a) or (1)(b) if the Queen's Harbour Master has been notified the dredging will take place at least 48 hours beforehand.

Vessels grounded, on fire or which have been in a collision in the dockyard port

29. The master of a vessel that has grounded, is on fire or has been in collision in the dockyard port—

- (a) must immediately notify the Queen's Harbour Master and provide the following information—
 - (i) the vessel's position;
 - (ii) any known damage to the vessel;
 - (iii) the vessel's cargo;
 - (iv) any other information required by the Queen's Harbour Master; and
- (b) must not navigate the vessel other than for the safety of the vessel, except with permission and in accordance with the direction of the Queen's Harbour Master.

Landing on Plymouth Breakwater

30.—(1) An aircraft or person must not land on Plymouth Breakwater without permission.

(2) In this paragraph "aircraft" means any machine capable of flight (whether or not propelled by mechanical means), including any description of balloon.

Low visibility

31. When visibility in any part of the dockyard port is less than 500 metres, the Queen's Harbour Master may—

- (a) suspend all vessel traffic; and
- (b) direct the movement of individual vessels.

Radio telephone communication

32.—(1) If a vessel in the dockyard port is—

- (a) engaged in any type of commercial activity;
- (b) engaged in diving operations; or
- (c) 20 metres or more in length,

it must carry fit for purpose VHF radiotelephony equipment and maintain a continuous watch on maritime VHF Channel 14 or any other channel directed by the Queen's Harbour Master.

(2) The Queen's Harbour Master may for safety purposes direct any other vessel, or type of vessel, to carry the VHF radiotelephony equipment mentioned in subparagraph (1) and maintain the continuous watch on the maritime VHF channels mentioned in that subparagraph.

(3) This paragraph does not apply if permission is given for a vessel to operate without VHF radiotelephony equipment.

PART 2

Regulations applicable to vessels of 20 metres or more in length

General

33.—(1) The regulations in this Part apply to vessels of 20 metres or more in length.

(2) The Queen's Harbour Master may direct that a provision of this Part applies to any other vessel or type of vessel when necessary—

- (a) for safety in the dockyard port; or
- (b) for the purposes of an operational requirement connected to national defence.

Notification of arrival of inbound vessels

34.—(1) The master of a vessel who wishes the vessel to enter the dockyard port must notify the Queen's Harbour Master of the vessel's estimated time of arrival in the dockyard port ("ETA") at least 24 hours beforehand.

(2) If the point of departure of the vessel is less than 24 hours transit from the dockyard port the master of the vessel must notify the Queen's Harbour Master of the vessel's ETA when it leaves the point of departure.

(3) After a vessel enters the dockyard port the master of that vessel must notify the Queen's Harbour Master by radio when the vessel passes the latitudes—

- (a) 50°19'.030N (Penlee Point, Shag Stone);
- (b) 50°20'.068N (Plymouth breakwater); and
- (c) 50°21'.150N (Melampus).

(4) When a vessel moors or anchors in the dockyard port the master of the vessel must notify the Queen's Harbour Master within 30 minutes that the vessel is moored or anchored in the dockyard.

Notification of the manoeuvre of vessels in the dockyard port

35.—(1) The master of a vessel berthed or anchored in the dockyard port must notify the Queen's Harbour Master of his or her intention to manoeuvre the vessel—

- (a) at least 60 minutes before commencing any manoeuvre; and
- (b) immediately on commencing the manoeuvre.

(2) The master of the vessel must notify the Queen's Harbour Master that the vessel has come to anchor or completed the manoeuvre no later than 30 minutes after the completion of the manoeuvre.

(3) If it is not reasonably practicable to give the notification mentioned in subparagraph (1), the master of the vessel must notify the Queen's Harbour Master of the proposed navigation as soon as is reasonably practicable.

(4) The master of the vessel must notify the Queen's Harbour Master as soon as is reasonably practicable of any change to the notification mentioned in subparagraph (1)

Notification of the departure of vessels from the dockyard port

36.—(1) The master of a vessel berthed or anchored in the dockyard port must notify the Queen's Harbour Master of the vessel's intended departure from the dockyard port—

- (a) at least 60 minutes before departure; and
- (b) immediately on getting underway.

(2) Once the vessel is underway, the master of the vessel must notify the Queen's Harbour Master when the vessel passes the latitudes—

- (a) 50°20'.068N (Plymouth breakwater); and
- (b) 50°19'.030N (Penlee Point, Shag Stone).

(3) If it is not reasonably practicable to give the notification mentioned in subparagraph (1), the master of the vessel must notify the Queen's Harbour Master of the proposed navigation as soon as is reasonably practicable.

(4) The master of the vessel must notify the Queen's Harbour Master as soon as is reasonably practicable of any change to the notification mentioned in subparagraph (1).

Anchoring within the dockyard port

37. A vessel must not anchor within the dockyard port without permission.

Towing of vessels or other objects

38. When the master of a vessel plans to tow another vessel or object into or in the dockyard port, the master of the towing vessel must notify the Queen's Harbour Master that the tow is planned and confirm—

- (a) the nature of the tow, the propulsion method, and details of the type, length and draught of the towing vessel and the vessel or other object being towed;
- (b) whether the tow involves a disabled or partially disabled vessel, an unstable vessel, a vessel leaking a dangerous good, or a vessel with an excessive list or trim; and
- (c) any other defect or damage that may cause the tow to be a hazard within the dockyard port,

not less than 60 minutes before commencing the tow, or as soon as reasonably practicable thereafter.

39. For the purposes of paragraph 38, a vessel shall be considered 20 metres or more in length if the combined length of that vessel and of the vessel or object being towed is 20 metres or more.

Vessels with mechanical or structural defects

40. A vessel with any of the following defects must not be navigated in the dockyard port without permission—

- (a) a defect to the vessel's engine, steering gear or any other machinery that could adversely affect the manoeuvrability of the vessel;
- (b) a defect in the vessel's navigation or communication equipment that could affect the vessel's ability to navigate safely;
- (c) an inoperable capstan or winch, or inoperable mooring equipment or anchors that are not cleared and ready for use;
- (d) a list of five degrees or more, or which is excessively out of trim;
- (e) damage to cargo, the hull or machinery which may affect the safety of the vessel or the containment or safety of the cargo or bunkers; or
- (f) the vessel is unseaworthy in any respect.

Bridge manning and the use of automatic pilot steering devices

41.—(1) The master of a vessel navigating within the dockyard port must ensure that—

- (a) sufficient, suitably qualified and experienced personnel are present on the bridge to enable the safe passage of the vessel;
- (b) adequate additional manning is available to enable an effective and immediate response to machinery failure, or any other emergency which has the potential to affect navigational safety; and
- (c) if an automatic pilot steering device is being used on that vessel, a competent helmsman other than the master or pilot is in attendance at the steering position to steer the vessel manually if circumstances so require.

(2) In this paragraph, "competent helmsman" means a person trained and experienced in the steering of the vessel and familiar with all reversionary modes of control.

Compass adjustment

42. The master of a vessel must notify the Queen's Harbour Master 24 hours or more before any intended adjustment to the compass of the vessel in the dockyard port and, immediately before adjusting the compass, must confirm to the Queen's Harbour Master that the adjustment is to take place.

SCHEDULE 2

Article 7

Rules as to lights, prevention of collision etc.

PART 1

Interpretation

Interpretation

1. In this Schedule—

"the Collision Regulations" means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996(a); and

(a) S.I. 1996/75.

“narrow channel” means all the navigable waters of the dockyard port north of latitude 50°20’.000N (Plymouth breakwater).

PART 2

General rules

Submarines secured to a buoy

2.—(1) A submarine secured to a buoy in the dockyard port must display an all-round amber flashing light at a frequency of between 90 and 105 flashes per minute—

- (a) between sunset and sunrise; and
- (b) at any other time when there is restricted visibility.

(2) The requirement in subparagraph (1) applies in addition to any other requirement to exhibit a light under regulation 4 (prevention of collision) of the Collision Regulations.

Blue flashing lights

3.—(1) A vessel must not exhibit a blue flashing light in the dockyard port without written permission from the Queen’s Harbour Master.

(2) Subparagraph (1) does not apply to a vessel used by—

- (a) the Queen’s Harbour Master;
- (b) the Cattewater Harbour Master;
- (c) a UK police force;
- (d) the Maritime and Coastguard Agency;
- (e) a fire and rescue authority in England or Wales;
- (f) the Royal National Lifeboat Institution;
- (g) the Torpoint Ferry; or
- (h) United Kingdom Border Force.

(3) In this paragraph—

“fire and rescue authority in England or Wales” has the same meaning as in section 1 of the Fire and Rescue Act 2004(a); and

“UK police force” has the meaning given by section 375 (definitions relating to police forces) of the Armed Forces Act 2006(b).

Chain link ferries

4.—(1) A chain link ferry operating between Torpoint and Devonport must keep well clear of any vessel that can only navigate in a narrow channel or fairway.

(2) Vessels of less than 20 metres in length, sailing vessels and other recreational vessels shall not impede the safe passage of any chain link ferry.

(3) Chain link ferries must display the following lights—

- (a) when underway, a flashing amber light at the leading end in the direction of progress;
- (b) when underway with emergency services embarked, a flashing blue light below the amber light required by paragraph (a); and

(a) 2004 c. 21, as amended by the Policing and Crime Act 2017 (c.3), Sch. 1(1) paras. 2 and 3 and Sch. 2(2) para. 111, and Greater Manchester Combined Authority (Fire and Rescue Functions) Order (S.I. 2017/469), art. 12.

(b) 2006 c. 52, as amended by Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order (S.I. 2013/602) Sch.2(1) para. 56, and Armed Forces Act 2011 (c.18) Sch. 5 para. 1.

(c) between sunset and sunrise, or when there is restricted visibility, a light at each corner of the hull showing white ahead and astern and red on the beam.

(4) The lights specified at subparagraph (3) above must be visible at a range of not less than 2 nautical miles.

(5) Where visibility is less than 300 metres, any chain link ferry in progress along the ferry track or stopped temporarily on the ferry track must at intervals of not more than 30 seconds ring its bell rapidly for a period of between 4 and 6 seconds.

(6) In this rule “bell” means the bell a chain link ferry is required to carry by regulation 4 (prevention of collision) of the Collision Regulations.

Vessel passing within the narrow channels of the dockyard port

5.—(1) When two power-driven vessels, proceeding in opposite directions, are about to meet one another in a narrow channel the power-driven vessel navigating against the tidal stream must give priority of passage through the channel to the vessel navigating with the tidal stream.

(2) For the purposes of this paragraph—

(a) a vessel is power-driven if it is propelled by machinery; and

(b) a vessel gives priority to another vessel for the purposes of this rule by reducing its speed and waiting until the oncoming vessel has passed.

PART 3

Exclusion zones

Power to create exclusion zones

6.—(1) The Queen’s Harbour Master may direct that an exclusion zone is in effect on the waters of the dockyard port around a vessel for one or both of the following purposes—

(a) to protect the vessel;

(b) to ensure its safe passage.

(2) Unless otherwise directed by the Queen’s Harbour Master, the exclusion zone around a vessel encompasses the waters in the dockyard port over 20 metres from the shore that are—

(a) 250 metres ahead of the vessel; and

(b) 100 metres abeam and astern of that vessel.

(3) A direction under subparagraph (1) may be expressed as relating to vessels of a particular class, type or description.

(4) The exclusion zone comes into effect as specified in the direction given by the Queen’s Harbour Master under subparagraph (1).

Shapes and lights marking an exclusion zone

7.—(1) When an exclusion zone is in effect around a vessel under paragraph 6, the vessel must while in the dockyard port display—

(a) two black diamond shapes vertically disposed, between sunrise and sunset; and

(b) two all-round flashing red lights at the masthead horizontally disposed—

(i) between sunset and sunrise; and

(ii) at any other time when there is restricted visibility.

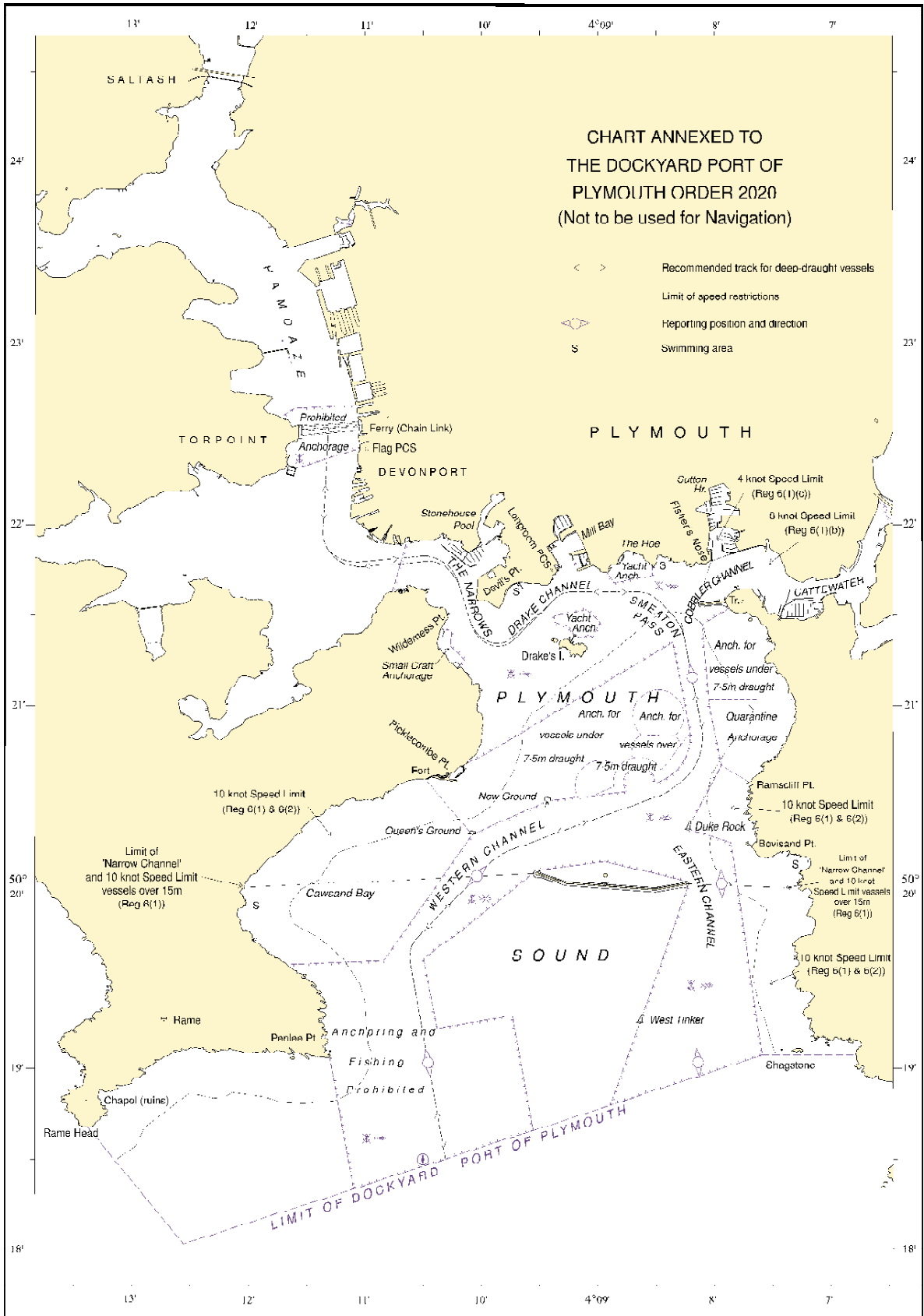
(2) This paragraph does not apply to submarines.

Effect of an exclusion zone

8.—(1) When an exclusion zone is in effect around a vessel in the dockyard port under paragraph 6—

- (a) a vessel underway must not enter the zone unless authorised to do so by the Queen's Harbour Master; and
- (b) a vessel that is alongside, at anchor, at a buoy or at a mooring in that zone must remain alongside, at anchor, at the buoy or at the mooring.

(2) This paragraph only applies if the vessel to which the exclusion zone applies is displaying any shapes or lights it is required to under paragraph 7 or, in respect of submarines, as specified in the direction given by the Queen's Harbour Master.



EXPLANATORY NOTE

(This note is not part of the Order)

This Order supersedes the Dockyard Port of Plymouth Order 1999 which it revokes. It makes port regulations for the proper protection of Her Majesty's vessels and property within the dockyard port of Plymouth ("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.

Admiralty charts relating to the dockyard port area can be bought from an Admiralty Chart Agent; details of these suppliers can be obtained at <https://www.admiralty.co.uk>.

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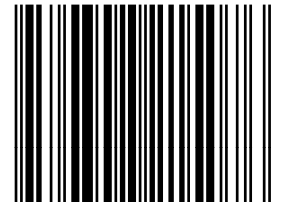
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