



# Dockyard Ports Regulation Act 1865

1865 CHAPTER 125 28 and 29 Vict

An Act for the Regulation of Dockyard Ports.

[6th July 1865]

**Modifications etc. (not altering text)**

- C1 Act extended by [Civil Aviation Act 1982 \(c. 16, SIF 9\), s. 97\(2\)](#)
- C2 This Act is not necessarily in the form in which it has effect in Northern Ireland

**Commencement Information**

- I1 Act wholly in force at Royal Assent.

**1 Short title.**

This Act may be cited as “The Dockyard Ports Regulation Act 1865.”

**2 Interpretation of terms.**

In this Act—

The term “dockyard port” means any port, harbour, haven, roadstead, sound, channel, creek, bay, or navigable river of the United Kingdom in, on, or near to which Her Majesty now or at any time hereafter has any dock, dockyard, steam factory yard, victualling yard, arsenal, wharf, or mooring:

The term “vessel” includes ship, boat, lighter, and craft of every kind, however propelled:

The term “master” applied to a vessel means the person having the command or charge of the vessel for the time being:

<sup>F1</sup> . . .

The term “sheriff” means [<sup>F2</sup>the sheriff principal] of the county

<sup>F3</sup>

. . .

in Scotland in which the matter submitted to the cognizance of the sheriff arises, and includes [<sup>F2</sup>the sheriff] . . . <sup>F3</sup>:

<sup>F3</sup>

. . .

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Dockyard Ports Regulation Act 1865. (See end of Document for details)*

#### Textual Amendments

- F1 Words in s. 2 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 10; S.I. 2005/910, art. 3(y)
- F2 Words substituted by virtue of Sheriff Courts Act 1971 (c. 58), s. 4
- F3 Words repealed by Statute Law Revision Act 1893 (c. 14)

#### Modifications etc. (not altering text)

- C3 Definition of “vessel” extended by Hovercraft Act 1968 (c. 59), Sch. para. 1

### 3 Power to define limits.

It shall be lawful for Her Majesty in Council, from time to time, by Order in Council, to define the limits of a dockyard port for the purposes of this Act.

### 4 Appointment of Queen’s harbour masters.

[<sup>F4</sup>The Secretary of State] may from time to time appoint for each dockyard port a fit person to superintend the execution of this Act, and otherwise to protect the port, to be called the Queen’s harbour master for the respective port.

#### Textual Amendments

- F4 Words substituted by virtue of Defence (Transfer of Functions) Act 1964 (c. 15), ss. 1(1)-(3), 3(2)

### 5 Port regulations to be made by Orders in Council.

In relation to any dockyard port it shall be lawful for Her Majesty in Council, from time to time, by Order in Council, to make regulations for all or any of the following purposes; namely,

To prohibit the mooring or anchoring of vessels so as to obstruct navigation into, in, or out of the port:

To appropriate any space as a mooring place or anchoring ground for the exclusive use of Her Majesty’s vessels, but not so as to authorize any user of such space in such manner as to obstruct navigation into, in, or out of the port:

To prohibit or restrict the having of gunpowder, and the having or discharging of shotted or loaded guns, on board any vessel in any specified part of the port, and to regulate the loading and unloading of gunpowder in the port:

To restrict the use of fire and light, and the having of tar, oil, or other combustible substances, on board any vessel in any specified part of the port:

To prohibit the navigating of steam vessels at a greater than a specified speed in any specified part of the port:

To require the presence of at least one person at all hours of the day and night on board every vessel above a specified size moored, anchored, or placed in any specified part of the port:

To prohibit or regulate the breaming of vessels in any specified part of the port:

And for such other purposes as from time to time seem necessary with a view to the proper protection of Her Majesty’s vessels, dockyards, or property, or to the requirements of Her Majesty’s naval service.

*Status: Point in time view as at 31/10/2016.*

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## 6 Penalties in such Orders.

Any such Order in Council may impose such reasonable penalties as seem fit, not exceeding for any offence [<sup>F5</sup>level 3 on the standard scale], <sup>F6</sup> . . .

### Textual Amendments

- F5** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F6** Words in [s. 6](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. I** Group 3.

## 7 Orders in Council to be made as to lights, prevention of collision, &c., with concurrence of Board of Trade.

In relation to any dockyard port it shall be lawful for Her Majesty in Council, from time to time, by Order in Council, on the joint recommendation of [<sup>F7</sup>the Secretary of State] and the Board of Trade, to make rules concerning the lights or signals to be carried or used, and the steps for avoiding collision to be taken, by Her Majesty's vessels and other vessels navigating the waters of the port and of the approaches thereto; . . . <sup>F8</sup>

### Textual Amendments

- F7** Words substituted by virtue of [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), **ss. 1(1)-(3), 3(2)**
- F8** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), [s. 1\(1\)](#), **Sch. 1 Pt. XII**

### Modifications etc. (not altering text)

- C4** Functions of Board of Trade under [s. 7](#) now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)

## 8—10. . . . . <sup>F9</sup>

### Textual Amendments

- F9** [Ss. 8, 9, 10](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), [s. 1\(1\)](#), **Sch. 1 Pt. XII**

## 11 Power for Queen's harbour master to unmoor vessels, &c.

If the master of any vessel within a dockyard port does not moor, anchor, place, unmoor, or remove the same according to directions given by the Queen's harbour master in conformity with any Order in Council under this Act, or if there is no person on board of any such vessel to attend to such directions, the Queen's harbour master may cause the vessel to be moored, anchored, placed, unmoored, or removed in conformity with the Order in Council, and for that purpose may cast off, loose, or unshackle, and (if need be) sever any chain or rope of the vessel, first putting on board a sufficient number of persons for the protection of the vessel in case there is not a sufficient number of persons on board to protect the same; and all expenses attending the exercise of the powers of the present section shall be paid by the master of the vessel.

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## 12 Power to search, &c.

The Queen's harbour master, or any person having authority in writing from [<sup>F10</sup>the Secretary of State] in this behalf, may, with proper assistants, enter into any vessel in a dockyard port, and there search for gunpowder, shotted or loaded guns, fire, or light, or combustible substances had or suspected to be had on board in contravention of any Order in Council under this Act, and may extinguish any such fire or light; and if any person wilfully obstructs the Queen's harbour master or other person in the execution of the authority conferred by this section, he shall for each offence be liable to a penalty not exceeding [<sup>F11</sup>level 1 on the standard scale].

### Textual Amendments

**F10** Words substituted by virtue of [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), ss. 1\(1\)-\(3\), 3\(2\)](#)

**F11** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

## 13 Power to remove wreck, &c.

The Queen's harbour master may remove any wreck or other thing being an obstruction to the dockyard port or to the approaches thereto, and any floating timber that impedes the navigation thereof.

### Modifications etc. (not altering text)

**C5** [S. 13](#) extended by [S.R. & O. 1938/136 \(Rev. 1 p. 1329: 1938 I, p. 72\), art. 3](#)

## 14 Power to remove unseaworthy vessels.

Any vessel laid by or neglected as unfit for sea service shall not be permitted to lie within any part of the dockyard port specified in this behalf in any Order in Council under this Act; and the Queen's harbour master may cause every such vessel to be removed from the part of the port so specified, and to be laid on some part of the strand or sea shore, or in some other place where the same may without injury to any person be placed.

### Modifications etc. (not altering text)

**C6** [S. 14](#) extended by [S.R. & O. 1938/136 \(Rev. 1 p. 1329: 1938 I, p. 72\), art. 3](#)

## 15 Recovery of expenses of removal of wreck, &c.

The expenses incurred by the Queen's harbour master in the removal of any such wreck or other thing, or timber, or in the removal or placing of any such vessel, shall be repaid by the owner thereof; and the Queen's harbour master may detain and in case of nonpayment of the expenses, on demand, may sell the wreck or other thing, timber, or vessel, and out of the proceeds of the sale pay those expenses and the expenses of the sale, rendering the surplus (if any) to the owner, on demand; and any deficiency may be recovered from the owner.

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**Modifications etc. (not altering text)**

C7 S. 15 extended by S.R. & O. 1938/136 (Rev. 1 p. 1329: 1938 I, p. 72), art. 3

**16 Recovery of expenses by owner from master, &c.**

If the owner of any vessel or thing is in any case compelled to pay any penalty, expenses, sum of money, or costs, by reason of any act or omission of the master of a vessel or other person, he shall be entitled to recover the amount paid by him, with costs, from the person who actually committed the offence or did the wrongful act in respect whereof the owner was compelled to make such payment.

**17 Summary proceedings for penalties, &c.**

Penalties, expenses, and sums of money made recoverable by this Act, or by any Order in Council under it, may be recovered by summary proceedings, in England or in Ireland before a justice and in Scotland before a sheriff, justice, or magistrate.

**18 Application of penalties.**

Penalties, expenses, and sums of money recovered as aforesaid, except when recovered by an owner from a master or other person, shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct and shall be carried to and form part of the Consolidated fund of the United Kingdom.

**19 Penalties, &c. may be raised by sale of vessel.**

Where any justice, sheriff, or magistrate; by virtue of this Act or any Order in Council under it, makes an order directing payment of any penalty, expenses, or sum of money by the master or owner of a vessel, and payment is not duly made, the justice, sheriff, or magistrate who made the order, or any other justice, sheriff, or magistrate having the same jurisdiction, may (in addition to any power which he may have for the purpose of compelling payment) direct the amount unpaid to be levied by distress or pouncing and sale of the vessel, her tackle, furniture, and apparel, or of any part thereof.

**20 Service of summons.**

Any summons or other document in any proceeding on this Act or any Order in Council under it may (in addition to any other mode of service) be served by being left for the person to be served on board any vessel to which he belongs, with the person being or appearing to be in command or charge of the vessel.

**21 Local jurisdiction.**

For the purpose of giving jurisdiction, every offence against this Act or any Order in Council under it shall be deemed to have been committed, and every cause of complaint shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against happens to be.

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**22 Jurisdiction of justice of the peace.**

[<sup>F12</sup>[<sup>F13</sup>(1) For the purposes of this Act, where a local justice area in England and Wales abuts on the shore of the sea or other navigable water, any magistrates' court in England and Wales has jurisdiction over—

- (a) any vessel which is near or passes near the shore, and
  - (b) every person on board the vessel or belonging to it,
- as if the vessel or person were in England and Wales.

(2) Where any other district] within which any justice, sheriff, or magistrate has jurisdiction for any purpose under this or any other Act, or at common law, abuts on the shore of the sea or other navigable water, every such justice, sheriff, or magistrate shall for the purposes of this Act have jurisdiction over any vessel being or passing near the shore, and over every person on board thereof or belonging thereto, as if such vessel or person was within the ordinary limits of the jurisdiction of the justice, sheriff, or magistrate.]

**Textual Amendments**

**F12** S. 22 repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 30, [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F13** S. 22(1)(2) substituted (1.4.2005) for words by [Courts Act 2003 \(c. 39\)](#), s. 110(1)[Sch. 8 para. 49](#); S.I. 2005/910, art. 3(y)

**23 Saving for right of property, &c.**

Nothing in this Act shall prejudice, take away, abridge or alter any right of property, privilege, or jurisdiction, or any powers of conservancy, held, possessed, enjoyed, or exercised by any body or person in, to, upon, or over any part of a dockyard port, or of the shores and banks thereof.

24 ..... <sup>F14</sup>

**Textual Amendments**

**F14** S. 24 repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), s. 2

25 ..... <sup>F15</sup>

**Textual Amendments**

**F15** S. 25 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

**26 Orders in Council to be laid before Houses of Parliament.**

Every Order in Council under this Act shall be laid before both Houses of Parliament . . . <sup>F16</sup>

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**Textual Amendments**

**F16** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#) s. 1(1), Sch. 1 Pt. XII

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