

1975 No. 1703

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Dockyard Port of Plymouth Order 1975**

*Made* - - - 22nd October 1975

*Laid before Parliament* 29th October 1975

*Coming into Operation* 24th November 1975

At the Court at Buckingham Palace, the 22nd day of October 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 3 and 5 of the Dockyard Ports Regulation Act 1865(a), of section 6 of that Act as amended by section 92(2) of, and Part II of Schedule 3 to, the Criminal Justice Act 1967(b), of section 7 of that Act and of all other powers enabling Her in that behalf 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 Trade, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

*Commencement and citation*

1. The Order shall come into operation on 24th November 1975, and may be cited as the Dockyard Port of Plymouth Order 1975.

*Interpretation*

2.—(1) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order the following expressions shall, unless the context otherwise requires, have the meanings respectively assigned to them, namely:—

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

“Collision Regulations” has the meaning assigned to that expression by section 418 of the Merchant Shipping Act 1894(d);

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

“the local Harbour or Docks Authority” means those Authorities for the time being responsible for the Cattewater Harbour, the Sutton Harbour and the Mill Bay Docks, being at the time of the making of

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(a) 1865 c. 125.

(b) 1967 c. 80.

(c) 1889 c. 63.

(d) 1894 c. 60.

this Order, the Cattewater Commissioners, the Sutton Harbour Improvement Company, and the British Transport Docks Board respectively;

“Master” means the person having command or charge of a vessel for the time being;

“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;

“short blast” means a blast of one second’s duration;

“Trinity House Senior Pilot” means the person for the time being appointed by Trinity House to act as Senior Pilot of the Plymouth Pilotage District and includes his authorised deputies and assistants;

“under way”—a vessel is “under way” when she is not at anchor or made fast to the shore or aground;

“vessel” includes every description of water craft, including non-displacement craft, used or capable of being used as a means of transportation on water; battle-practice targets and other floating naval targets; and any of Her Majesty’s ships and vessels in the charge of Her Majesty’s Officers except where otherwise provided;

“whistle” means any vessel’s whistle or siren.

#### *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  $175^{\circ}$  (true) 1.25 nautical miles from Rame Church, thence in an east-north-easterly direction to the Shagstone and thence due East (true) to the shore.

#### *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 any regulations at any time in force for preventing collisions at sea, the said Rules shall prevail.

6. The Master of every merchant or other 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 Master or other person who infringes any provision of the said Regulations, or who fails to cause the same to be observed, or who fails to observe any direction given thereunder, or who fails to comply with any condition attached to a licence granted thereunder, shall commit an offence against this Order.

7. A person who contravenes a Regulation of Schedule 1 to this Order shall on summary conviction be liable to a fine not exceeding £50 for each offence.

*Revocation.*

8. The Order in Council relating to the Dockyard Port of Plymouth dated 28th November 1969 (a) is hereby revoked, without prejudice, however, to the validity of anything done thereunder or to any liability incurred in respect of any act or omission before the date of the coming into operation of this Order, and any licence or direction given or made thereunder, being a licence or direction which could be given or made under this Order, shall continue to have effect as if it were so given or made.

N. E. Leigh

SCHEDULE 1

REGULATIONS

*Moorings for Her Majesty's ships etc.*

1. 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*

2. No person shall lay moorings for private vessels, hulks, rafts, pontoons, bathing stages, house boats, timber or any floating structures in the Dockyard Port, except with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto, and all such moorings shall be in such positions as the Queen's Harbour Master shall deem fit, and shall be removed forthwith on the order of the Queen's Harbour Master.

*Clearing Anchors and Moorings*

3. 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 forthwith give notice thereof to the Queen's Harbour Master and shall, if it is safe and practicable, await his instructions before proceeding to clear the same.

*Shipkeepers*

4. No merchant or other private vessel of above five gross register tons, 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.

*Fishing*

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

(2) No fishing from boats or fishing by persons swimming under the water shall be carried on within 100 metres of the walls, slipways or boundaries of Her Majesty's Dockyards, floating docks or other Crown establishments or within 150 metres of any of Her Majesty's vessels, save with the licence in writing of the Queen's Harbour Master.

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(a) S.I. 1969/1684.

(3) No fishing shall at any time be carried on within 125 metres of either side of the recommended track or tracks for deep draught vessels leading through Plymouth Sound to the Hamoaze as shown on current Admiralty Charts or on the line of any electric cable or pipe as described in Regulation 11.

(4) No trawling or fishing by nets or the laying of lobster or crab pots shall be carried on in any area in which anchorage is prohibited.

#### *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 100 metres of the walls, slipways or boundaries of Her Majesty's Dockyards, floating Docks or other Crown establishments or within 150 metres of any of Her Majesty's vessels, or anywhere within the fairways of the Dockyard Port, save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto.

#### *Dumping of Rubbish, etc.*

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

- (a) into the waters of the Dockyard Port, except with the consent of the Queen's Harbour Master and in such places as he may appoint; or
- (b) upon the banks or any portion of the shores of the Dockyard Port where the same may be able to fall into or to be washed into the waters of the Dockyard Port by rain, tide or otherwise;

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

#### *Reserved areas—marking etc.*

8. Whenever it may be necessary for mining or gunnery operations or experiments, dredging operations or other naval purposes to reserve any area for such operations, experiments or purposes, the area will be marked by buoys coloured green and white or by posts coloured red, and after due warning notice has been issued by the Secretary of State or by the Queen's Harbour Master and published as a general or local notice to mariners, no vessel shall anchor within or pass through the area so marked, unless compelled to do so by stress of weather or to avoid accident; nor when such area is uncovered or nearly uncovered at low water shall any person pass through or remain in it nor permit any vessel, animal or thing to remain therein except in accordance with permission granted by the officer in charge of such operations, experiments or purposes.

#### *Use of Whistles*

9. 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; or
- (b) as a signal of distress; or
- (c) to prevent collision; or
- (d) in fog, mist, falling snow, heavy rainstorms or any other condition similarly affecting visibility; or
- (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*

10.—(1) All merchant and other private vessels within the limits of the Dockyard Port shall comply with any directions given by the Queen's Harbour Master with a view to the proper protection of Her Majesty's vessels and property.

(2) The Queen's Harbour Master or any other officer acting directly under his authority will, when afloat and in the execution of the duties pertaining to his office as such, wear in the bows of the vessel a Union Flag with a white border and, in the centre of the flag, the letters QHM surmounted by a Crown.

11. 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 in current Admiralty Charts.

12. No merchant or other private vessel, or barge, hulk, raft, pontoon or other floating structure shall:

- (a) make fast to, or lie at, any of the buoys or beacons placed by the Queen's Harbour Master to mark channels or shoals in the Dockyard Port; or
- (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 and in accordance with any conditions attached thereto; or
- (c) be moored or anchored within 100 metres of any of Her Majesty's naval jetties, floating docks, dolphins, vessels, hulks, installations or armaments depots, or within 150 metres of the centre of any naval moorings, save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto; or
- (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*

13.—(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 of this Order being shown on the Chart annexed to this Order, and this anchorage shall be reserved for the use of deep-draught vessels, namely vessels of 7.5 metres draught and above, both of Her Majesty's Navy and of the Mercantile Marine.

(2) Vessels of under 7.5 metres draught are to anchor clear of the area specified in sub-paragraph (1) and in the area south-eastward of a straight line joining Picklecombe Point and Mount Batten Tower, except in the prohibited anchorage covering the approach to Smeaton Pass.

14. No merchant or other private vessel shall anchor in any area shown as a prohibited anchorage in current Admiralty Charts, the said areas being, at the time of making of this Order, as follows:

- (a) the Western Channel and Eastern Channel entrances to Plymouth Sound, the approach therefrom to Smeaton Pass, and the waters northwest of a straight line joining Picklecombe Point and Mount Batten Tower, including Smeaton Pass, Drake Channel, and The Narrows together with Cobbler Channel and Cattewater; but this prohibited area shall not include the Yacht Anchorage off the Hoe nor the Yacht Anchorage north of Drake's Island as indicated in the Admiralty Charts, nor any area in Cattewater allowed to be used for anchoring by the Cattewater Harbour Commissioners;
- (b) the prohibited anchorage north and south of the track of Torpoint Ferry;
- (c) the prohibited anchorage adjacent to Mount Batten northwards; and
- (d) the prohibited anchorage off Penlee Point.

#### *Navigational Marks*

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

### *Dredging for lost objects*

16. No person shall, save with the consent of the Queen's Harbour Master, dredge in the Dockyard Port with drags, hooks, nets or other apparatus for property dropped or thrown therein.

## SCHEDULE 2

### RULES

#### *Collision Regulations*

1. All vessels when within the limits of the Dockyard Port shall, except as is otherwise provided in Rules 7(2) and 12 of this Schedule, carry such lights as are 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 interpreting the Collision Regulations rules for Narrow Channels and Rule 9 of this Schedule all the navigable water of the Dockyard Port north of Latitude 50° 20' North, that is the line passing through the Breakwater in an east-west direction, shall be deemed to be a "narrow channel".

#### *Anchor lights (exemptions, etc.)*

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

#### *Temporary restrictions on movements within the Dockyard Port*

4.—(1) The Queen's Harbour Master shall when necessary make arrangements for the safe passage of vessels in accordance with the following subsections of this Rule.

(2) The Queen's Harbour Master shall, in the discharge of the provisions of this Rule in relation to commercial shipping traffic, and subject to any operational requirement connected with national defence, act in agreement with the local Harbour or Docks Authority and with the Trinity House Senior Pilot.

(3) The Queen's Harbour Master may, as necessary, require the owner 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 vessels within the Dockyard Port over a specified period, including any subsequent amendments thereto.

(4) The owner, agent or Master of any vessel shall comply with any special 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.

(5) The Queen's Harbour Master may on any occasion when it is necessary either to ensure a clear passage for one or more of Her Majesty's ships or other vessels in the charge of Her Majesty's Officers or to facilitate the passage of any large vessel or vessels within the limits of the Dockyard Port direct that the signals specified in this Rule be displayed and all other vessels shall, so long as such signal is displayed, observe the restrictions appropriate to that signal as specified below.

(6) The area of water governed by this Rule is that bounded on the north by Latitude 50° 22' North at the northern end of the main channel and on the south by Latitude 50° 21' North but not including the waters of the Cattewater, Mill Bay Docks or Stonehouse Pool. This Rule shall also apply to those waters contained within imaginary lines drawn 125 metres either side of the recommended track for deep draught vessels, as shown on current Admiralty Charts, between the Western Channel entrance to Plymouth Sound and Latitude 50° 21' North.

(7) Traffic signals shall be displayed at the Longroom Port Control Station on Eastern King and at the Flagstaff Signal Station in Devonport North Dockyard. Traffic signals displayed at Longroom Port Control Station shall govern the movements of vessels in the Sound to seaward of a line joining Devil's Point to Wilderness Point. Traffic signals displayed at Flagstaff Signal Station shall govern the movements of vessels in the Hamoaze as far south as the line joining Devil's Point to Wilderness Point. The traffic signals shall have the following meanings:—

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| <p>(a) Red rectangular flag with white diagonal bar (by day), or one red light over two green lights disposed vertically (by night).</p> <p>(b) Red rectangular flag with white diagonal bar modified by a black ball inferior (by day), or a white light over a green light (by night).</p> <p>(c) Red rectangular flag with white diagonal bar modified by a black ball superior (by day), or a green light over a white light (by night).</p> <p>(d) International Code Pendant superior to Pendant Nine (by day only).</p> | <p>No movement is to take place in the main channel, unless prior permission has been obtained from Longroom Port Control Station for a vessel proceeding to or from Mill Bay or the Cobbler Channel to cross the main channel.</p> <p>Outgoing traffic (only) may proceed in the main channel.</p> <p>Incoming traffic (only) may proceed in the main channel.</p> <p>Vessels may proceed in either direction but shall give a wide berth to the vessel or vessels displaying the signal specified in (8) below.</p> |
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(8) The vessel or vessels which is or are to be given a clear passage, or the tug or tugs in attendance on such vessel or vessels, shall display the International Code Pendant superior to Pendant ZERO by day (no signal being displayed by night) while under way in the area.

(9) When the signal or lights specified at (a) of paragraph (7) are displayed, no vessel shall enter the main channel and any vessel already in the main channel shall clear the main channel with despatch. When the signal or lights specified at (b) or (c) are displayed, no vessel shall enter the main channel except in the direction indicated by the signal or lights, and vessels already in the main channel and proceeding in a contrary direction shall clear the main channel with despatch; provided that vessels of less than 20 metres in length may proceed in the contrary direction, so long as they do not impede the main channel and navigate with caution.

#### *Vessels entering or leaving Her Majesty's Dockyard*

5. The signal specified at (d) of paragraph (7) of Rule 4 may be displayed, and shall have the same meaning, when it is necessary for any of Her Majesty's ships or other vessels in the charge of Her Majesty's Officers to turn at, enter or leave Her Majesty's Dockyard at Devonport. Any other vessel of whatever size under way in the vicinity of the said Dockyard shall then keep clear of that ship or vessel and of tugs which may be in attendance upon her.

#### *Special Navigation rules*

6. No merchant or other private vessel shall navigate within 50 metres of the walls, slipways and boundaries of Her Majesty's Dockyards or other Crown establishments, or within 50 metres of any of Her Majesty's vessels or floating docks.

#### *Ferries*

7.—(1) Any ferry vessel or floating bridge plying in the Dockyard Port shall give way to other vessels. 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.

(2) Floating bridges which are confined to a fixed track shall, instead of the lights directed to be carried by the Collision Regulations 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, each light to be visible for at least two nautical miles. In addition such floating bridge shall show by night a white light visible for at least two nautical miles, and by day a red flag, at the masthead at the leading end in the direction of progress. Should such floating bridges be stopped, the said red flag shall be hauled down or the white light extinguished. During fog, mist, snow or rain when visibility is less than 300 metres, the floating bridges shall sound a bell continuously while crossing the Hamoaaze.

#### *Speed limits in certain areas*

8. No vessel shall exceed a speed of 10 knots through the water, save for the purposes and subject to the conditions specified in a licence in writing signed by the Queen's Harbour Master, within the following areas:

- (a) The waters east of a line drawn from Fisher's Nose to the western end of Mount Batten Breakwater; or
- (b) All the waters of the Dockyard Port, including the Hamoaaze, north and west of a line drawn from the western extremity of the Royal Plymouth Corinthian Yacht Club to the West Mallard Buoy, thence to the south-eastern extremity of the fort on Picklecombe Point; or
- (c) All the waters in the Dockyard Port within 400 metres of the shore.

#### *Vessels passing within the narrow channels of the Dockyard Port*

9. Subject to the requirements to comply with Rule 4 which shall be overriding, 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 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.

#### *Vessel turning round*

10. When, within the limits of the Dockyard Port, a power driven vessel under way (including a tug with a tow) is about to turn round by night or by day, she shall signify her intention by sounding four short blasts of the whistle in rapid succession, followed after a short interval, if turning with her head to starboard, by one short blast, and if with her head to port, by two short blasts, and whilst turning shall repeat such signal to any approaching vessel. These sound signals and those prescribed by the following Rule are only to be used by vessels in sight of one another.

#### *Signal directing vessels and boats to keep out of the way*

11. When any seagoing power driven vessel, power driven vessel towing, power driven dredger or power driven hopper under way within the limits of the Dockyard Port shall by reason of the crowded nature of the channel or anchorage or from any other cause find it unsafe or impracticable to keep out of the way of the other vessels or boats, she shall signify the same by sounding three blasts of the whistle in succession, namely one prolonged blast followed by two short blasts, and all other vessels shall keep out of the way of the vessel making this signal, which vessel shall be navigated with due care and at a moderate speed.

#### *Lights and Signals for Dredgers*

12. A dredger when at work or in position for working shall carry the following lights and signals:

##### *Lights between Sunset and Sunrise*

(a) Forward—In the forward part of the dredger at a height of not less than 6 metres and not more than 12 metres above the hull, a white light in a lantern so constructed as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least one nautical mile.



(b) Amidships—Three white lights of the said description placed in a triangular form at least 2·4 metres apart at right angles to the keel and with the apex uppermost, the base of the triangle to be at least 3 metres higher than the forward light and to be also higher than and clear of the framework, funnels, or other erections upon the dredger. If a dredger is so moored or working as to make it necessary to prohibit the passage of vessels on one or both sides, a red light (visible as aforesaid) shall be substituted for the white light at the base of the triangle on the side, or sides, on which passage is prohibited.

(c) Aft—One white light of the said description at or near the stern of the dredger and at such a height that it shall be not less than 4·5 metres lower than the forward light.

#### *Signals between Sunrise and Sunset*

Amidships—Three black balls of not less than 0·6 metres in diameter placed in a triangular form at least 2·4 metres apart, at right angles to the keel with the apex uppermost, the base of the triangle to be higher than and clear of the framework, funnels, or any other erection upon the dredger. If so moored or working as to make it necessary to prohibit passage on one or both sides, a red flag or flags at least 1·5 metres in the hoist is to be substituted for the lower ball at the base of the triangle on the side or sides on which passage is prohibited.

#### *Signal in Fog*

In fog, mist, falling snow, or heavy rain storms or any other conditions similarly restricting visibility, a dredger at work or in a position for working shall at intervals of not more than one minute sound a gong rapidly for about 5 seconds.

#### *Marking of Wrecks and Submerged Obstructions*

13. 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. If in his opinion it is necessary, the Queen's Harbour Master may arrange for any wreck or obstruction to be marked by a buoy conforming to the uniform system of buoyage for the marking of wrecks by the lateral systems.

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### 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 for the port, 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 the waters of the port.

2. The Order supersedes the Dockyard Port of Plymouth Order 1969. Apart from minor amendments such as metrication changes and an increase in the maximum penalty for certain offences, the Order makes additional provision for:

- (a) the safe passage of vessels within the port;
- (b) increased fishing restrictions around the main channel;
- (c) notification to the Queen's Harbour Master of the expected times of arrival and departure of vessels; and
- (d) the inclusion of hovercraft.

