
STATUTORY INSTRUMENTS

1975 No. 1704

HARBOURS, DOCKS, PIERS AND FERRIES

The Dockyard Port of Rosyth 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. This Order shall come into operation on the 24th day of November 1975 and may be cited as the Dockyard Port of Rosyth 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 Rosyth as it is described in Article 3 hereof;

“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 Rosyth and any person having authority to act as Queen's Harbour Master;

(a) 1865 c. 125.

(c) 1889 c. 63.

(b) 1967 c. 80.

(d) 1894 c. 60.

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

“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 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 shall be as follows:—

All the waters of the Firth of Forth and River Forth including all the bays, creeks, lakes, pools and rivers as far as the tide flows, excepting the Harbours of Charlestown, Inverkeithing and South Queensferry, lying between the following meridians:—

3° 15’ 20” West and 3° 33’ 48” West.

Delineation of Limits

4. On the Chart annexed to this Order are marked the limits of the Dockyard Port.

Regulations and Rules

5. The Regulations contained in the First Schedule hereto and the Rules contained in the Second Schedule hereto shall operate as therein provided 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.

Penalties

6.—(1) The master of every merchant or other private vessel shall observe and cause to be observed the Regulations contained in the First Schedule 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 and shall for every such offence be liable to a penalty not exceeding the sum of £50.

(2) The master of every merchant or other private vessel shall comply with the Rules contained in the Second Schedule hereto and any such master, who by his wilful default infringes any of the said Rules, shall in respect of each offence be guilty of a misdemeanour.

Revocation

7. On the coming into operation of this Order the Orders in Council relating to the Dockyard Port dated the 30th day of July 1958(a), the 29th day of October 1965(b), the 20th day of December 1967(c), the 25th day of February 1970(d), and the 30th day of September 1970(e) are 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

(a) S.I. 1958/1264.

(b) S.I. 1965/1873.

(c) S.I. 1967/1919 (paragraph 4).

(d) S.I. 1970/287 (paragraph 4).

(e) S.I. 1970/1432.

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.

FIRST SCHEDULE

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 persons 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 cables, or moorings of buoys, or any pipe, the master of such vessel shall not proceed to unhook the same, but shall forthwith give notice thereof to the Queen's Harbour Master, in order that aid may be given for clearing such moorings or cables or pipe without doing damage to the same.

Shipkeepers

4. No merchant or other private vessel of above five 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 may be required to comply with 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 150 metres from the walls, slipways, roadways or boundaries of Her Majesty's naval establishments, or from any naval moorings, floating docks or dolphins or ships of Her Majesty save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto.

(3) No fishing may take place—

(a) in the Protected Channel between Oxcars and Beamer Rock as defined in Rule 3(5) in the Second Schedule to this Order, and

(b) in the approach channel from Beamer Rock to Her Majesty's Dockyard, Rosyth, bounded by a line joining the following positions:—

- (i) South Arm Light
- (ii) No. 6 buoy
- (iii) No. 4 buoy
- (iv) 56° 00' 20" North 03° 24' 47" West
- (v) 56° 00' 31" North 03° 24' 34" West
- (vi) No. 3 buoy
- (vii) 'B' light-beacon
- (viii) 'A' light-beacon

except when the channel in which it is proposed to fish is clear of shipping.

Swimming and diving

6. No person shall swim or dive within 150 metres from the walls, slipways, roadways or boundaries of any of Her Majesty's naval establishments, or from any naval moorings, floating docks, dolphins or ships of Her Majesty, 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 liable 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.

Use of whistles

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

- (a) as a signal of distress; or
- (b) to prevent collisions; or
- (c) in fog, mist, falling snow, heavy rainstorms or any other conditions similarly affecting visibility; or
- (d) in accordance with the Rules contained in Schedule 2 to this Order and for the control of tugs; or
- (e) to test the whistle.

Reserved areas—marking, etc.

9. Whenever it may be necessary for mining or gunnery operations or experiments, dredging operations, or other naval, military or air force 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 twenty-one days' warning notice has been issued by the Ministry of Defence (Navy) and published in the Edinburgh Gazette, 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 Queen's Harbour Master.

Anchorage

10. 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.

11. No merchant or other private vessel shall make fast to, or lie at, any of the buoys marking the channels or shoals in the Dockyard Port.

12. Save with the licence in writing of the Queen's Harbour Master and in accordance with conditions attached thereto, no merchant or other private vessel shall be moored or fastened to any Crown moorings, buoys, breakwaters, boom defences, dolphins, jetties, piles or vessels in the Dockyard Port.

13. No merchant or other private vessel shall anchor or fish on the line of any electric cable or pipe laid down in the Dockyard Port, when such line is indicated by posts or other discernible marks on the shore or is shown on current Admiralty Charts, or within any area shown on current Admiralty Charts as an area in which anchorage is prohibited.

14. Save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto, no merchant or other private vessel shall be

moored or anchored in the Dockyard Port within 180 metres from the centre of any of Her Majesty's moorings or from any of Her Majesty's docks, dockyards, arsenals, wharves, vessels, hulks or powder magazines, or be moored, anchored or placed in the Dockyard Port, so as to give a foul berth to any vessel already at anchor or at moorings, or to obstruct the passage or entrance into the Dockyard or Dockyard Port.

15. No merchant or other private vessel shall lie or be moored so as to impede the free approach to any pier in the Dockyard Port used for purposes of regular passenger traffic, and when buoys are placed by the Queen's Harbour Master to mark an approach to such pier, no vessel shall lie within the space so marked.

Navigational marks

16. 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. This Regulation and Regulation 17 shall apply without prejudice to any right or jurisdiction of the Northern Lighthouse Board.

17. No person shall display any mark, light or beacon which, being visible from the waters of the Dockyard Port, is in the opinion of the Queen's Harbour Master liable to be confused with a navigational aid.

SECOND SCHEDULE

RULES

Observance of Regulations for preventing collisions at sea

1. All vessels when within the limits of the Dockyard Port shall, except as is otherwise provided in Rule 9 of this Schedule, carry and use such lights and signals 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.

Vessels to keep clear of Her Majesty's vessels and other vessels under way

2. When within the limits of the Dockyard Port by day a black cylinder 0.6 metre in diameter and not less than twice that diameter in length is shown where it may best be seen, or by night, where they can best be seen, three red lights are displayed in a vertical line, one over the other not less than 2 metres apart, and of such a character as to be visible all round the horizon at a distance of at least 2 nautical miles—

- (a) by any of Her Majesty's vessels or in any vessel in the charge of Her Majesty's officers, or
- (b) by any other vessel when so authorised by the Queen's Harbour Master, or
- (c) by any tug or tugs attending such vessel in (a) or (b),

the said signal denoting that such vessel or tug is under way, then all other vessels under way within the Dockyard Port shall keep clear of such vessel and of such tug or tugs; providing always that nothing in this Rule shall relieve the latter vessel or attendant tug or tugs of the duty to navigate with care and at moderate speed.

3.—(1) The Queen's Harbour Master will on any occasion when it is necessary to ensure a clear passage within the Protected Channel direct that the Traffic Warning Light at North Queensferry Signal Station (Latitude 56° 00' 26" North, Longitude 03° 23' 18" West) be displayed, the said light showing occulting white every 5 seconds, (on 3 seconds, off 2 seconds). In addition a quick flashing red light visible all round the horizon will be exhibited at the said Signal Station. The latter signal is primarily for the benefit of small vessels outside the arcs of visibility of the Main Traffic Warning Light.

(2) Whenever and for as long as the lights may be displayed, no vessel shall enter the Protected Channel or anchor or moor therein, and any vessel already within the Protected Channel shall forthwith leave that Channel and keep clear of it, except—

- (i) the vessel in whose favour the signal is displayed;
- (ii) any tug or tugs attendant on her;
- (iii) any vessel secured alongside Hound Point Oil Terminal;
- (iv) any vessel specifically authorised by the Queen's Harbour Master or his representatives.

(3) When the main traffic warning light is exhibited for the benefit of a vessel eastwards of, and which shall not pass under, or which has already passed under, the Forth Railway Bridge, a quick flashing green light visible all round the horizon will be exhibited instead of the red light in paragraph 3(1) above.

(4) Whenever and for as long as the lights in paragraph 3(3) above may be displayed, the rules in paragraph 3(2) above are deemed to apply to the Protected Channel eastward of the Forth Railway Bridge only. Vessels intending to proceed eastward through the Forth Railway Bridge by way of the Protected Channel shall not approach the aforesaid bridge within a distance of half a nautical mile so long as the signals in paragraph 3(3) are displayed, unless they are permitted to do so by Rule 3(2)(iv).

(5) For the purposes of this Rule the aforesaid Protected Channel comprises an area of water encompassed by a line joining the following positions, and as shown on the chart annexed to this Order:—

- | | | |
|--------|-------------------|------------------|
| (i) | 56° 01' 46" North | 03° 16' 57" West |
| (ii) | 56° 00' 43" North | 03° 22' 23" West |
| (iii) | 56° 00' 16" North | 03° 23' 21" West |
| (iv) | 56° 00' 14" North | 03° 24' 10" West |
| (v) | 56° 00' 31" North | 03° 24' 34" West |
| (vi) | 56° 00' 09" North | 03° 25' 00" West |
| (vii) | 56° 00' 02" North | 03° 24' 10" West |
| (viii) | 56° 00' 10" North | 03° 23' 18" West |
| (ix) | 56° 00' 10" North | 03° 22' 02" West |
| (x) | 56° 01' 31" North | 03° 16' 49" West |

and thence to (i) above.

Passage through the Forth Railway Bridge

4. No vessel may pass another under the Forth Railway Bridge; subject to Rule 5, outgoing power-driven vessels shall have priority of passage through the aforesaid bridge over incoming power-driven vessels, and incoming power-driven vessels shall not approach the Forth Railway Bridge within a distance of half a nautical mile until it shall have been ascertained that no vessel is coming out.

5. When a vessel is showing the signal prescribed in Rule 2, or when the Traffic Warning Light at North Queensferry Signal Station is displayed as in Rule 3(1), it shall be the duty of all other vessels to keep out of the way and to wait either until the vessel displaying the said signal has passed through the Forth Railway Bridge, or until she ceases to display the signal, or until the Traffic Warning Light is extinguished, before approaching the bridge.

Vessels crossing the River

6. Every vessel crossing from one side of the River towards the other side shall do so at a proper time having regard to vessels navigating up and down the River, and shall be navigated so as not to cause obstruction, injury or damage to any other vessel.

Vessel turning round

7. When 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 the same by 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

8. 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 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 vessels shall keep out of the way of the vessel making the signal, provided always that the latter shall be navigated with due care and at a moderate speed.

Lights and signals for dredgers

9. A dredger when at work or in position for working shall carry the following lights and signals, viz:—

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 not be 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 metre 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 condition 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.

Speed of vessels navigating the Dockyard Port

10. Without prejudice to any other obligation to navigate with due care and at a moderate speed, merchant or other private power driven vessels when navigating the waters of the Dockyard Port shall (except for such purpose and subject to such conditions as may be specified in a licence in writing given by the Queen's Harbour Master) observe the following speed restrictions:—

(a) When East of the Forth Railway Bridge:

- (i) vessels exceeding 120 metres in length—12 knots through the water;
- (ii) vessels less than 120 metres in length—15 knots through the water.

(b) When West of the Forth Railway Bridge:

All vessels—10 knots through the water.

Marking of wrecks and submerged obstructions

11. 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 to mark any wreck or obstruction by a wreck-marking buoy of the following description:—

Colour: Green (including topmark if any)

(a) If to be passed on the starboard hand:

Shape or type: Conical, or spar

Topmark (if any): Cone

Light (if any): Triple-flashing green

(b) If to be passed on the port hand:

Shape or type: Can, or spar

Topmark (if any): Can

Light (if any): Double-flashing green

(c) If to be passed on either hand:

Shape or type: Spherical, or spar

Topmark (if any): Sphere

Light (if any): Interrupted quick flashing green, the total duration of a group of light flashes being appreciably longer to the eye than the subsequent period of total extinction.

Where a wreck or obstruction which can be passed on either hand is marked by more than one lighted buoy, the lights may be differentiated by different periods of total extinction, provided that the principle embodied in the preceding paragraph is observed in the case of each light.

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 defining 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 Rosyth Order 1958 and subsequent amending Orders. Apart from minor amendments such as metrication changes, the Order—

(a) defines the limit of the dockyard port more accurately;

(b) redefines the area of the Protected Channel in which HM vessels have priority when passing through the Dockyard Port and provides for such priority to be extended to certain other vessels;

(c) redefines the area within which fishing restrictions apply so as to align it with the Protected Channel;

(d) makes minor amendments to the Rules governing the navigation of vessels through the Forth Railway Bridge.

