

1978 No. 1880

HARBOURS, DOCKS, PIERS AND FERRIES

The Dockyard Port of Chatham Order 1978

<i>Made</i> - - -	20th December 1978
<i>Laid before Parliament</i>	3rd January 1979
<i>Coming into Operation</i>	24th January 1979

At the Court at Buckingham Palace, the 20th day of December 1978

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 January 1979 and may be cited as the Dockyard Port of Chatham Order 1978.

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” means regulations for the time being in force made pursuant to section 418 of the Merchant Shipping Act 1894(d);

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

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

“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;

(a) 1865 c. 125.

(b) 1967 c. 80.

(c) 1889 c. 63.

(d) 57 & 58 Vict. c. 60.

“vessel” includes every description of water craft including non-displacement craft and seaplanes 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;

“power-driven vessel” and “underway” have the meanings assigned in the Collision Regulations;

“whistle”, “short blast” and “prolonged blast” have the meanings assigned in the Collision Regulations.

Description of limits

3. For the purposes of the Act and of this Order the limits of the Dockyard Port shall be as follows, namely, the River Medway between a line drawn on a true bearing of 305° from Garrison Point Light to the Isle of Grain (the eastern limit) and a line joining Chatham Ness Beacon to the eastern end of Sun Pier head (the western limit) including all bays, creeks, lakes, pools and rivers, as far as the tide flows, lying or out-flowing between the limits aforesaid, but excluding the Swale southward of a line drawn from Swale Ness (Deadman’s Island) to a point in latitude 51° 25’ 47” north longitude 00° 44’ 02” east and thence on a true bearing of 090° to the Isle of Sheppey.

Delineation of limits

4. The limits of the Dockyard Port of Chatham 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. Nothing in this Order shall prejudice, take away, abridge, or alter any right of property, privilege or jurisdiction held, possessed, enjoyed or exercised by any body or persons in, to, upon, or over any part of the Dockyard Port, or of the shores or banks thereof.

Penalties

7.—(1) The master of every merchant or private vessel shall, when within the limits of the Dockyard Port, 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 and shall on summary conviction be liable to a fine not exceeding £50 for each offence.

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

Revocation

8. The Orders in Council listed in Schedule 3 hereto are hereby revoked to the extent mentioned in that Schedule, 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 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,
Clerk of the Privy Council.

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 position 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 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 private vessel of 12 metres or more in length overall, 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, unless prior approval of the Queen's Harbour Master has been obtained.

Fishing

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

(2) No fishing from boats or by persons swimming under the water shall be carried on within 50 metres of the walls, slipways, or boundaries of Her Majesty's Dockyards or other Crown establishments, or of naval moorings, floating docks or dolphins or ships of Her Majesty.

(3) No dredging, trawling or fishing by nets, whether drift nets or set nets, shall be carried on in the buoyed main channel of the River Medway between the eastern limit of the Dockyard Port and Chatham Dockyard Locks, except with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto.

Swimming and diving

6. No person shall swim or dive within 50 metres of the walls, slipways or boundaries of any of Her Majesty's naval establishments or floating docks, or of any naval moorings 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

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. No person shall use a whistle 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; or
- (e) to test the whistle, provided that permission to do so has first been obtained from the Queen's Harbour Master.

Reserved areas—markings, etc.

9. 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 or posts coloured yellow with topmarks or lights, where necessary, as laid down for special marks in the International Association of Lighthouse Authorities Maritime Buoyage System 'A', and after twenty-one days' 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.

Anchorage

10. All merchant and 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 private vessel shall make fast to or lie at any light beacon, sea-mark, tideboard or buoy marking a channel or shoal in the Dockyard Port.

12. Save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto, no merchant or 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 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 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 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, either in the fairway or across the stream of the River Medway, 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 dockyards or Dockyard Port; but nothing in these Regulations shall prohibit or interfere with the mooring or placing of vessels in any place or manner authorised by or under any Act of Parliament relating to Gillingham pier.

15. No merchant or private vessel shall lie or be moored so as to impede 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 interfere with any light, beacon, sea-mark, tideboard or buoy of any description in the Dockyard Port.

SCHEDULE 2

RULES

Observance of collision regulations

1. All vessels when within the limits of the Dockyard Port shall comply with the Collision Regulations except in so far as they are inconsistent with the Rules hereinafter contained.

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

2. When within the limits of the Dockyard Port the signal (lights and shapes) prescribed in the Collision Regulations for a vessel restricted in her ability to manoeuvre is exhibited

(a) by any of Her Majesty's vessels or by any vessel in the charge of Her Majesty's officers; or

(b) by any tug or tugs attending such vessel;

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

3.—(1) When the International Code Pendant superior to Pendant NINE is hoisted at Garrison Point flagstaff—to denote that one of Her Majesty's vessels or a vessel in the charge of Her Majesty's officers is under way to or from the Medway Approach Area—then all other vessels in the vicinity of Garrison Point shall afford a clear passage to any such vessel and her attendant tug or tugs as shall have, in accordance with Rule 2, hoisted the signal there prescribed.

(2) When the International Code Pendant superior to Pendant NINE is hoisted by day at the flagstaff at Chatham Dockyard locks—to denote that a vessel is intending to enter or leave Chatham Dockyard—two yellow lights, visible all round in a vertical line one over the other 1·8 metres apart are hoisted at night from the upper yard of the flagstaff, then all other vessels under way in the vicinity shall, while observing Rule 2, keep well clear from the entrance to the said locks.

(3) When the International Code Pendant superior to Pendant NINE is hoisted on a staff fixed on top of the western end of the building immediately north of No. 4 Dock Entrance—to denote that a vessel is intending to enter or leave No. 2, 3, or 4 graving docks—then all other vessels under way in the vicinity shall, while observing Rule 2, keep well clear from the entrance to the said graving docks.

Vessel turning round

4. 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 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 at intervals of not more than 2 minutes.

Signal directing vessels and boats to keep out of the way

5. When within the limits of the Dockyard Port a power driven vessel under way by day or by night is for any reason unable to manoeuvre as required by the Collision Regulations and these Rules, she shall signify the same to any approaching vessel by a prolonged blast followed by two short blasts on her whistle, and thereupon such approaching vessel shall take action to avoid collision.

Speed of vessels navigating the Dockyard Port

6. No merchant or private power driven vessel when navigating the area of the Dockyard Port west of the meridian of 00° 35' east (which passes through Folly Point) shall exceed the speed of 6 knots through the water. Special care should be exercised when passing yacht moorings and small craft berthed within the Dockyard Port, particularly off Thunderbolt Pier in Chatham Reach.

Vessels navigating against the tidal stream

7. Power driven vessels navigating within the limits of the Dockyard Port against the tidal stream shall, before rounding any point of the River Medway, ease their engines and wait until any other vessels rounding the point with the tidal stream have passed clear.

Marking of wrecks or obstructions

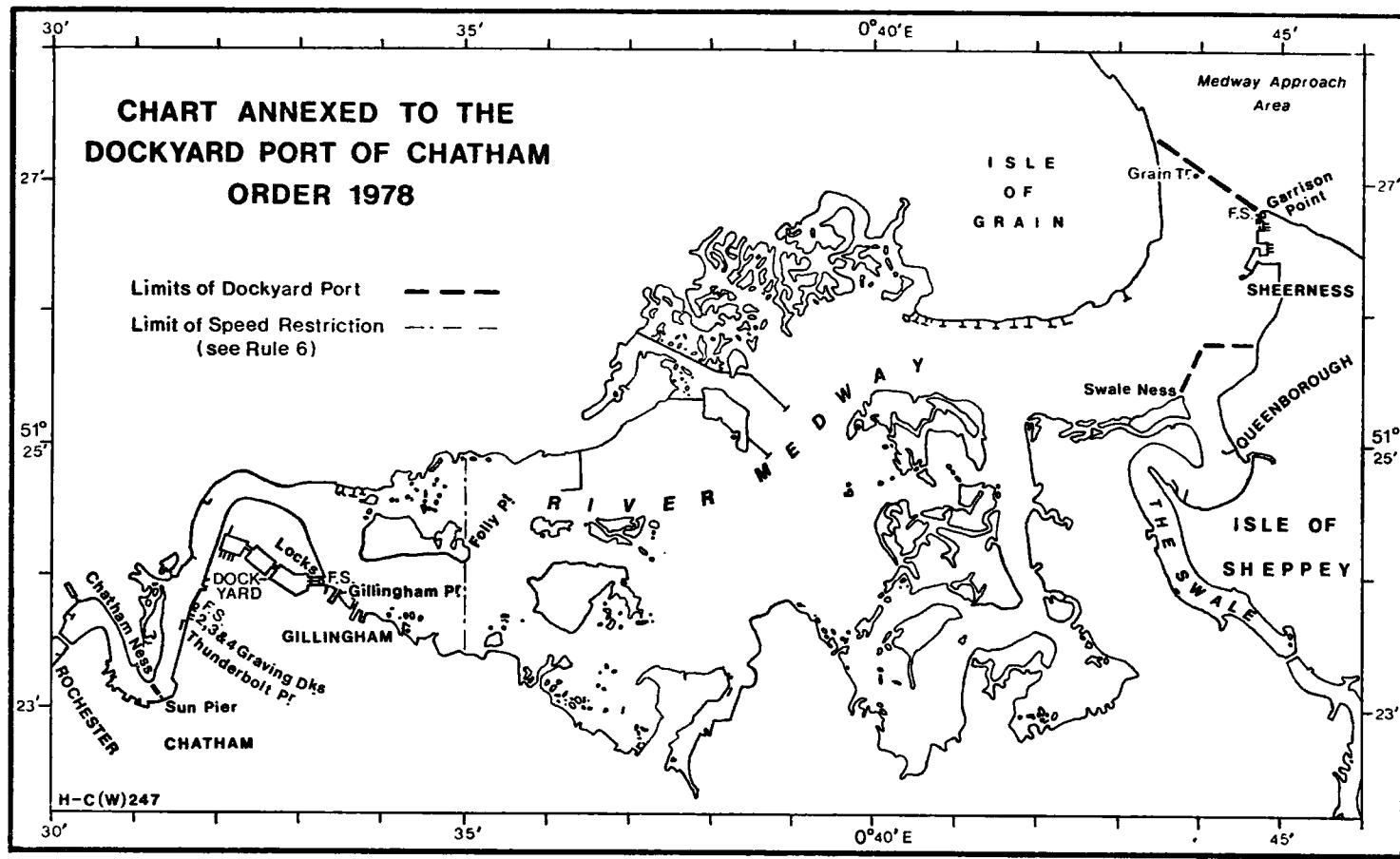
8. Should a vessel sink, be stranded or become a wreck in any part of the Dockyard Port so that an obstruction is caused, or is likely to be caused, the master or owner of such vessel shall immediately notify the Queen's Harbour Master. If required the Queen's Harbour Master will make arrangements to mark any "New danger" including a wreck or an obstruction in accordance with the International Association of Lighthouse Authorities Maritime Buoyage System 'A'.

SCHEDULE 3

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of Revocation
The Dockyard Port of Chatham Order 1964	SI 1964/264	The whole Order
The Dockyard Port of Chatham (Amendment) Order 1965	SI 1965/1869	The whole Order
The Dockyard Ports (Penalty Provisions) Order 1967	SI 1967/1919	Article 3(2)
The Dockyard Ports (Amendment) Order 1970	SI 1970/287	Article 7

**CHART ANNEXED TO THE
DOCKYARD PORT OF CHATHAM
ORDER 1978**

Limits of Dockyard Port - - - -
Limit of Speed Restriction - · - · -
(see Rule 6)



H-C(W)247

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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 collisions by vessels navigating the waters of the port.

2. The Order supersedes the Dockyard Port of Chatham Order 1964 and the subsequent amending orders. Apart from minor amendments such as metrical changes and an increase in the maximum penalty for certain offences, the Order makes additional provision for:

- (a) The display of signals at night warning vessels to keep clear of the entrance to the Chatham Dockyard locks;
- (b) Minor adjustment of the limit of the Dockyard Port across the Swale;
- (c) Extension eastwards to the meridian of Folly Point of the area governed by the speed limit;
- (d) The introduction of the International Association of Lighthouse Authorities Maritime Buoyage System 'A'; and
- (e) The introduction of the International Regulations for Preventing Collisions at Sea 1972.

DE. REID.

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