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## STATUTORY INSTRUMENTS

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# 1999 No. 2029

## The Dockyard Port of Plymouth Order 1999

### Citation and commencement

1. This Order may be cited as the Dockyard Port of Plymouth Order 1999 and shall come into force on 31st August 1999.

### Interpretation

2. In this Order unless the context otherwise requires:

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

“aircraft” means any fixed or rotary wing, powered, or unpowered, vehicle capable of flight or any parachute, canopy, balloon or airship;

“auxiliary” means a government vessel operating in support of naval and military forces;

“BCH Code” means the 1990 edition of IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“bell” means any vessel’s bell complying with Annex III of the Collision Regulations;

“Collision Regulations” means the regulations for the time being in force made pursuant to sections 85 and 86 of the Merchant Shipping Act 1995<sup>(1)</sup>;

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

“channel”—all references to deep water channel, main channel and channel for deep draught vessel shall be as shown on current Admiralty charts;

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

“flashing light” means, except in Rule 4(4) of Schedule 2 to this Order, a light flashing at regular intervals at a frequency of 120 flashes or more per minute;

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

“IBC Code” means the 1994 edition of the International Bulk Chemical Code published by the IMO;

“IMDG Code” means the 1994 edition of the International Maritime Dangerous Goods Code published by the IMO;

“IMO” means the International Maritime Organisation;

“International Gas Carrier Code” means the 1983 edition of the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in bulk published by the IMO;

“International Gas Carrier Code for Existing Ships” means the 1976 edition of Code for Existing ships carrying Liquefied Gases in Bulk, as amended, published by the IMO;

“local Harbour or Docks Authority” means those Authorities for the time being empowered and having responsibility for the Cattewater Harbour, the Sutton Harbour and the Millbay

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(1) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8(1)-(6), 29(2) and Schedule 7.

Docks, being at the time of the making of this Order, the Cattewater Commissioners, the Sutton Harbour Improvement Company and the Associated British Ports Board respectively;

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

“Naval Base” means the land occupied by Her Majesty’s Navy and their operator lessees and known from time to time as HM Naval Base Devonport (including the buildings from time to time erected thereon, the basins, quays and docks therein and the Operator Leased and Licensed Areas);

“navigating within the Dockyard Port” excludes navigating within non-tidal basins;

“parascending” means an activity whereby a parachute is towed by cable in such a manner as to cause it to ascend until it is airborne;

“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;

“Radioactive substance” means any substance of Class 7 of the 1994 edition of the International Maritime Dangerous Goods Code published by the IMO;

“1987 Regulations” means the Dangerous Substances in Harbour Areas Regulations 1987(2);

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

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

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

“whistle” means any vessel’s whistle or siren complying with Annex III of the Collision Regulations.

### **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° (true) 1.25 nautical miles from Rame Church, thence in a north-easterly direction to the Shag Stone 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 the Collision Regulations the said Rules shall prevail.

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(2) [SI 1987/37](#), amended by [S.I.1988/712](#), [1990/2605](#), [1990/2487](#), [1992/743](#), [1993/1746](#), [1994/669](#), [1994/241](#), [1994/3247](#), [1996/2092](#), [1996/2791](#), [1996/2095](#), [1997/2367](#) and [1998/2885](#).

## Penalties

6.—(1) The master of every merchant or 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 such master or any other person who—

- (a) infringes any provision of those Regulations,
- (b) fails to cause the same to be observed,
- (c) fails to observe any direction given under those Regulations,
- (d) fails to comply with any condition or direction attached to a licence or permission granted under those Regulations; or
- (e) fails to comply with any notice issued under those Regulations

is guilty of an offence and shall for every such offence be liable to a fine not exceeding level 3 on the standard scale.

(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

7. The Dockyard Port of Plymouth Order 1984<sup>(3)</sup> is hereby revoked.

*A. K. Galloway,*  
Clerk of the Privy Council.

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(3) [SI 1984/1148](#).