

1978 No. 1881

HARBOURS, DOCKS, PIERS AND FERRIES

The Dockyard Port of Portsmouth Order 1978

Made - - - 20th December 1978

Laid before Parliament 3rd January 1978

Coming into Operation 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, by and with the advice of Her Privy Council, is pleased 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 Portsmouth 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;

“ approach channel ” means the buoyed channel extending from a line joining Outer Spit Buoy and Horse Sand Buoy on the south to a line joining the easternmost point of Fort Blockhouse and Round Tower (Old Portsmouth) on the north;

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

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

(a) 1865 c. 125.

(b) 1967 c. 80.

(c) 1889 c. 63.

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

- “line of mean low-water springs” means the continuous line of mean low-water springs contiguous to the mainland and the continuous line of mean low water springs contiguous to the Isle of Wight;
- “Main navigable channels” means all the waters of the Harbour south of a line joining the north end of Shell Pier head (Priddy’s Hard) and the crane on Whale Island Jetty and south of Whale Island Bridge but excluding the waters above Haslar Bridge and Forton Bridge;
- “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 Portsmouth and any person having authority to act as Queen’s Harbour Master;
- “the Harbour” means Portsmouth Harbour, bounded on the south by a line joining the easternmost point of Fort Blockhouse and Round Tower (Old Portsmouth);
- “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, and towed targets;
- “large vessels” means those vessels having a draught of 10.5 metres, or more, or a length of 288 metres, or more, or a deadweight tonnage of 100,000 tonnes or more;
- “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 of Portsmouth shall be as follows:—

- (a) On the east and south, a line from a point on the line of mean high-water springs at Eastney Point in latitude $50^{\circ} 47' 12''$ north longitude $01^{\circ} 01' 47''$ west on a true bearing of 120° for a distance of 2.50 nautical miles to a point in latitude $50^{\circ} 45' 57''$ north longitude $00^{\circ} 58' 22''$ west, thence on a true bearing of $187\frac{1}{2}^{\circ}$ for a distance of 7.83 nautical miles to a point in latitude $50^{\circ} 38' 12''$ north longitude $01^{\circ} 00' 00''$ west, thence on a true bearing of 270° for a distance of 6.40 nautical miles to a point on the line of mean high-water springs in Sandown Bay in latitude $50^{\circ} 38' 12''$ north longitude $01^{\circ} 10' 03''$ west.
- (b) On the south west, the line of mean high-water springs along the eastern and northern shores of the Isle of Wight from the aforementioned point in Sandown Bay to a point at Old Castle Point in latitude $50^{\circ} 45' 56.3''$ north longitude $01^{\circ} 16' 28.0''$ west with all bays, creeks, lakes, pools and rivers as far as the tide flows between those points except that between Bembridge Point and Old St. Helen’s Church the limit of the Dockyard Port shall be the outer limit of Bembridge Harbour.
- (c) On the west, a line from the aforementioned point at Old Castle Point on a true bearing of 000° for a distance of 0.14 nautical miles

to a point in latitude $50^{\circ} 46' 04.7''$ north longitude $01^{\circ} 16' 28.0''$ west, thence on a true bearing of 022° for a distance of 3.15 nautical miles to a point on the line of mean high-water springs at Hillhead in latitude $50^{\circ} 48' 59.5''$ north longitude $01^{\circ} 14' 35.9''$ west.

- (d) On the north, the line of mean high-water springs from the aforementioned point at Hillhead to the aforementioned point at Eastney Point in latitude $50^{\circ} 47' 12''$ north longitude $01^{\circ} 01' 47''$ west with all bays, creeks, lakes, pools and rivers as far as the tide flows between those points except that in Ports Creek the north east limit of the Dockyard Port shall be the western side of the railway bridge in approximately latitude $50^{\circ} 50' 00''$ north longitude $01^{\circ} 03' 10''$ west.

Delineation of Limits

4. The limits of the Dockyard Port of Portsmouth 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 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 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 and shall for every such offence be liable to a penalty not exceeding the sum of £50.

(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 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 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,
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 any 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 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 an overall length greater than 20 metres, 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.

Anchoring and Mooring—General

5. 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.

6. No 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 on current Admiralty charts or within any area shown on current Admiralty charts as an area in which anchorage is prohibited except with the permission of the Queen's Harbour Master.

7. No merchant or 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 except in an emergency 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) lie or be moored so as to impede the free approach to any pier in the Dockyard Port used for the purposes of regular passenger traffic, or when buoys are placed by the Queen's Harbour Master to mark an approach to such pier, lie within the space so marked; or
- (e) lie or be moored, anchored, grounded, deposited or run on shore in the fairways of the channels of the Harbour or the approach channel; or
- (f) except in an emergency drop anchor within 500 metres of the centre of the deep water channel through the Solent (which for the purpose of this Order is defined as the radar reference line as printed on current Admiralty Charts).

Fishing

8.—(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.

(3) No trawling or fishing by nets, whether drift nets or set nets, or the laying of lobster or crab pots, shall be at any time carried on in the approach channel, or in the main navigable channels of the Harbour.

(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.

(5) No fishing of any description shall be carried on in any area shown on current Admiralty Charts as an area within which fishing is prohibited.

(6) No person shall store live fish or shellfish within the waters of the Harbour save with the consent in writing of the Queen's Harbour Master.

Underwater Swimming and Diving

9. Save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto, no person who is wearing or equipped with clothing or apparatus designed or adapted for swimming underwater or diving shall swim underwater or dive or fish—

- (a) within the Harbour or in any of the creeks or lakes adjoining the Harbour;
or
- (b) elsewhere in the Dockyard Port, within 150 metres from any of Her Majesty's ships or vessels.

Water-Skiing

10.—(1) No water-skiing is permitted within the Harbour.

(2) No water-skiing is permitted within the Dockyard Port outside the Harbour except:

- (i) Beyond 0.5 nautical miles from the line of mean low-water springs; or
- (ii) Within 0.5 nautical miles of the line of mean low-water springs if within any specially designated area or ski-lane provided the buoys marking the area or lane are in position.

Dumping of Rubbish, etc.

11. 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.

Reserved Areas—Marking, etc.

12. 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 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.

Man-of -War Anchorage

13. An area at Spithead has been established as a man-of-war anchorage and no merchant or private vessels may anchor within this area, save with the consent of the Queen's Harbour Master. The man-of-war anchorage is bounded by lines joining the following four points designated by bearing and distance from Spit Sand Fort Light:

- (a) 276° (true) 1.04 nautical miles
- (b) 154° (true) 0.55 nautical miles
- (c) 182° (true) 1.11 nautical miles
- (d) 249° (true) 1.40 nautical miles

Use of Guns, Missiles and Pyrotechnics

14. No gun on board any merchant or private vessel lying in or passing through the Harbour shall be kept loaded, nor shall any gun, missile or pyrotechnic be discharged from any such vessel or from the shore over the waters of the said Harbour except:

- (a) as a signal of distress; or
- (b) as a signal in connection with the conduct of sailing races; or
- (c) with the consent in writing of the Queen's Harbour Master.

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

Observance of Regulations for Preventing Collisions at Sea

1. All vessels when within the limits of the Dockyard Port shall carry such lights as are prescribed by the Collision Regulations and all vessels of every description shall also observe the steering and sailing rules set forth in such regulations, except in so far as they are affected by the rules hereinafter contained.

Port Radio Telephone Communication

2. Port Radio Telephone Communications shall be conducted in accordance with Portsmouth Local Notices to Mariners.

Vessels not to approach Vessels carrying Royal or other Standard at Masthead

3. No vessel shall unnecessarily approach within 400 metres of any vessel carrying the Royal or any other Standard at the Masthead, when under way in the waters of the Dockyard Port outside the Harbour.

Vessels constrained by their draught and large vessels

4. Vessels constrained by their draught, as defined in the Collision Regulations, and large vessels, are to show the signals laid down for the former in the Collision Regulations while operating within the Dockyard Port.

Shipping Movement Control

5.—(1) Vessels restricted in their ability to manoeuvre and vessels constrained by their draught, as defined in the Collision Regulations, and large vessels shall not operate in the Dockyard Port without the permission of the Queen's Harbour Master.

(2) Large vessels are to be given, while operating in the Dockyard Port, the precedence accorded in the Collision Regulations to vessels constrained by their draught.

(3) Vessels of more than 20 metres overall length shall enter or leave the Harbour under the direction of the Queen's Harbour Master. All such vessels must obtain permission from the Queen's Harbour Master to sail or move within the Harbour before leaving their berth. Inward bound vessels must obtain permission to enter the harbour before passing the Outer Spit Buoy or entering the Swashways across Spit Sand.

Temporary restrictions on movements within the Dockyard Port

6.—(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 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 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.

(3) This rule is effective within the approach channel and the main navigable channels of the harbour. These areas are referred to in this rule as the main channel.

(4) Notwithstanding anything in this rule vessels of less than 20 metres in length may proceed in any direction against any of the signals in this rule as long as they proceed with caution and do not impede shipping in the main channel.

(5) Traffic signals shall be displayed at the Central Signal Station, at Fort Blockhouse and at Fort Gilkicker Signal Station. The traffic signals shall have the following meanings:—

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Red rectangular flag with white diagonal bar (by day), or one red light over two green lights disposed vertically (by night). | No vessel other than that in whose favour the signal is displayed shall either leave the Harbour or enter the main channel from any of the creeks or lakes leading thereto, or from seaward. |
| (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). | No vessel shall enter the main channel from seaward, but outgoing vessels from Portsmouth may proceed. |
| (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). | No vessel shall leave the harbour but incoming vessels may use the main Channel and enter the Harbour. |
| (d) International Code Pendant superior to Pendant Nine (by day only). | Vessels may proceed in either direction but shall give a wide berth to the vessel or vessels displaying the signal specified in (6) below. |

(6) 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.

(7) When the signal or lights specified at (a) of paragraph (5) 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.

Small Vessels in the Harbour

7. Power driven vessels of less than 20 metres in length and all cross harbour ferries shall when inside of Fort Blockhouse keep out of the way of all seagoing vessels, British Railways Isle of Wight car and passenger ferries and tugs towing trains of barges.

Speed of Vessels navigating the Port

8. No merchant or private vessel, when navigating within the Harbour or when within 0.5 nautical miles of the line of mean low-water springs in any part of the Dockyard Port outside the Harbour shall proceed at a greater speed than 10 knots through the water, save for the purpose and subject to the conditions specified in a licence in writing signed by the Queen's Harbour Master.

Vessels to be navigated with care and caution

9. The master of a vessel navigating the Dockyard Port shall navigate the vessel with care and caution and in such a manner as shall not cause annoyance to the occupants of any other vessel or cause damage or danger to any other vessel or to any moorings or other property.

Vessels going alongside certain Piers

10. Power driven vessels approaching or leaving Ryde Pier, or other piers are to confine themselves to the lanes of approach marked by pecked lines on the Admiralty charts in which lanes anchorage is prohibited.

Navigation in the Harbour Entrance

11. During the summer months the entrance to Portsmouth Harbour is often extremely congested. All mariners are to use great care when navigating the entrance to Portsmouth Harbour. In addition all sailing vessels, fitted with engines, are to proceed under power when within that part of the main channel extending from Southsea War Memorial on the south to Ballast Buoy on the north. Within this area all small craft should keep as close to the side of the channel as safe navigation permits.

Movement of Vessels in the Harbour and its approach channel during poor visibility

12. No vessel with an overall length of more than 20 metres shall enter the Harbour or approach channel or leave her berth therein, except with the consent of the Queen's Harbour Master and subject to any directions he may give, at any time when the visibility in the Harbour or approach channel is less than 0.25 nautical miles. The Queen's Harbour Master will indicate that the harbour is closed due to low visibility by:

- (a) Broadcasts on harbour radio circuits; and
- (b) the display of a red rectangular flag with a white diagonal bar (by day), or one red light over two green lights disposed vertically (by night), to be displayed at the Central Signal Station, at Fort Blockhouse and at Fort Gilkicker Signal Station.

SCHEDULE 3

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of Revocation
The Dockyard Port of Portsmouth Order 1960	SI 1960/971	The whole Order
The Dockyard Port of Portsmouth (Amendment) Order 1963	SI 1963/1636	The whole Order
The Dockyard Port of Portsmouth (Amendment) Order 1965	SI 1965/1872	The whole Order
The Dockyard Ports (Penalty Provisions) Order 1967	SI 1967/1919	Article 4(3)
The Dockyard Ports (Amendment) Order 1970	SI 1970/287	Article 5
The Dockyard Port of Portsmouth (Amendment) Order 1970	SI 1970/1538	The whole Order
The Dockyard Ports (Amendment) Order 1973	SI 1973/1890	Article 3

EXPLANATORY NOTE

(This Note is not part of the Order.)

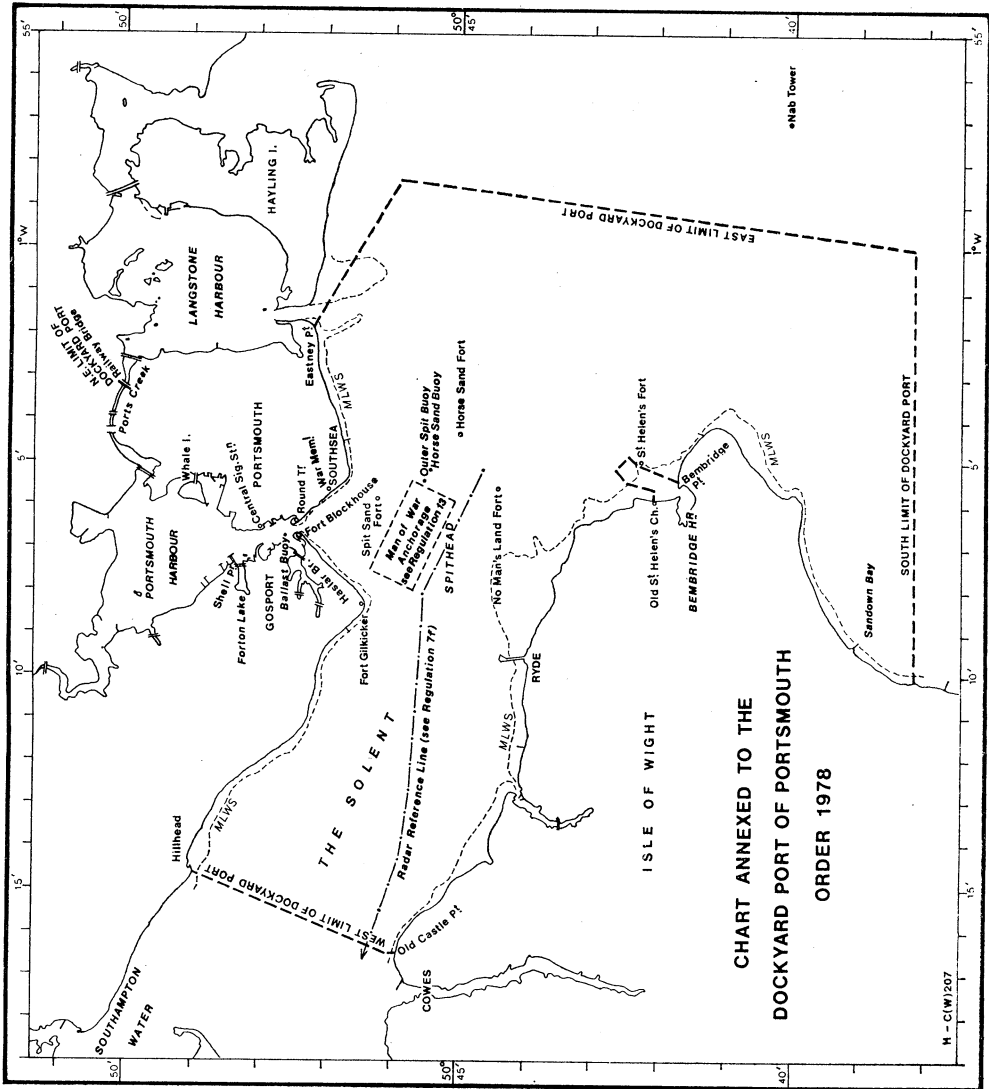
1. This Order is made under the Dockyard Ports Regulation Act 1865, which provides for defining the limits of a dockyard port, the appointment of a Queen's Harbour Master for the port, the making of rules concerning the lights or signals to be carried or used and the steps for avoiding collisions by vessels navigating the waters of the port.

2. The Order supersedes the Dockyard Port of Portsmouth Order 1960 and subsequent amending orders. Apart from minor amendments such as metrication changes and an increase in the penalty for certain offences, this Order makes provision for:

- (a) the introduction of the 1972 Collision Regulations;
- (b) special rules concerning the conduct of large vessels;
- (c) arrangements for shipping movement control whereby vessels of more than 20 metres overall length may move in the Harbour and approach channel only with the prior permission of the Queen's Harbour Master;
- (d) Water-skiing;
- (e) Changed rules for speed limits;
- (f) A relaxation on the restrictions on movement for vessels of 20 metres in length or less; and
- (g) the introduction of the International Association of Lighthouse Authorities Maritime Buoyage System 'A'.

3. There are two particular areas in the Solent in which vessels constrained by their draught and large vessels, inward bound from the Nab Tower to Southampton, are in particular danger from outward bound vessels; these are, when passing the Portsmouth entrance channel, and when passing the North Sturbridge Buoy and shaping a course to pass to the south of Ryde Middle Shoal. Vessels proceeding to seaward out of the Portsmouth entrance channel or from Southampton north of the Ryde Middle Shoal need to take every possible precaution to avoid embarrassing the movements of these vessels and in particular to avoid presenting them with a crossing situation.

4. The interpretations and rules amplifying the Collision Regulations with respect to vessels constrained by their draught and large vessels have been formed in conjunction with the British Transport Docks Board Southampton, and are intended to be similar to their directions and to give continuity of precedence to a constrained vessel on passage to and from the Port of Southampton.



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CORRECTION

At the head of the instrument,
for "Laid before Parliament 3rd January 1978"
substitute "Laid before Parliament 3rd January 1979".

March 1979

LONDON: HER MAJESTY'S STATIONERY OFFICE

STATUTORY INSTRUMENTS

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