

SCHEDULE 1

Article 5

PART I

REGULATIONS OF GENERAL APPLICATION

General

1.—(1) The master of every merchant or private vessel or any other person within the limits of the Dockyard Port shall comply with any directions given by the Queen's Harbour Master for the purposes of the proper protection of the Port, Her Majesty's vessels, dockyards, or property, or for the requirements of Her Majesty's Naval Service.

(2) The master of every merchant or private vessel or any other person within the limits of the Dockyard Port to whom any licence or permission has been granted by the Queen's Harbour Master in accordance with the provisions of the Act, these Regulations or the rules contained in Schedule 2, shall comply with any directions or conditions attached thereto.

(3) the Queen's Harbour Master may attach such conditions or directions to any such licence or permission as he considers necessary.

Control of movements within the Dockyard Port

2.—(1) The Queen's Harbour Master shall, in the discharge of the provisions of Schedules 1 and 2 of this Order in relation to commercial shipping traffic, and subject to any operational requirement connected with national defence, have regard to the functions and responsibilities of the local Harbour or Docks Authority.

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

(3) Vessels of more than 20 metres overall length shall enter or leave the Dockyard Port under the direction of the Queen's Harbour Master.

(4) The master of any vessel shall comply with any 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.

Shipkeepers

3. No merchant or other private vessel of above ten metres in length, 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.

Special navigation regulations

4. No merchant or other private vessel shall navigate—

- (a) within 50 metres of the walls, slipways and boundaries of HM Naval Base and Crown Establishments;
- (b) within 50 metres of any of Her Majesty's vessels (save for submarines) or foreign warships or auxiliaries; or
- (c) within 100 metres of submarines berthed alongside HM Naval Base.

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Fishing

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

(2) No fishing from any vessel or by persons swimming under the water shall be carried out either within—

- (a) 100 metres of the walls, slipways or boundaries of Her Majesty's Dockyard or other Crown Establishments; or
- (b) 150 metres of any of Her Majesty's vessels,

save with the licence in writing of the Queen's Harbour Master.

(3) No fishing shall at any time be carried out either—

- (a) within 125 metres of either side of the recommended tracks for vessels leading through Plymouth Sound to the Hamoaze shown on current Admiralty charts; or
- (b) on the line of any electric cable or pipe as described in regulation 19.

(4) In any area in which anchorage is prohibited under Regulation 22 there shall be no—

- (a) trawling or fishing by any nets, long lines or rods;
- (b) laying, movement or lifting of lobster or crab pots, marked or unmarked; or
- (c) installing of equipment in connection with fish farming

carried out from vessels in the said area.

(5) All lines used in connection with lobster or crab pots or similar devices shall be non-buoyant, and where any line of pots is less than 100 metres in length, only one end need be clearly marked, such mark indicating the identity of the owner of the said pots.

(6) in the navigable channels of the Rivers Plym, Tamar, Tavy and Lynher and of Millbrook and Saint John's Lakes netting of fish may take place only if—

- (a) the nets are tended throughout;
- (b) sufficient navigable water is left for other craft to navigate the channel;
- (c) anchored vessels are not impeded.

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—

- (a) 100 metres of the walls, slipways, or boundaries of Her Majesty's Dockyards or other Crown Establishments;
- (b) 150 metres of any of Her Majesty's vessels;
- (c) 125 metres of either side of the recommended tracks for vessels leading through Plymouth Sound to the Hamoaze shown on current Admiralty charts;
- (d) the fairways of the Dockyard Port; or
- (e) any area where anchorage is prohibited under regulation 22,

save with the permission of the Queen's Harbour Master.

Swimming

7. No person shall swim on the surface or underwater within—

- (a) 100 metres of the walls, slipways or boundaries of Her Majesty's Dockyards or other Crown Establishments;
 - (b) 150 metres of any of Her Majesty's vessels;
 - (c) any area where anchorage is prohibited under regulation 22,
- save with the permission of the Queen's Harbour Master.

Parascending and similar activities

8. No person shall engage or take part in parascending or other activity involving the towing of a kite or other thing, from a vehicle on land or water, in such a manner as to cause it to ascend until it is airborne in any part of the Dockyard Port save with permission of the Queen's Harbour Master.

Firearms, weapons and explosives

9.—(1) Save as provided by paragraph (3) below, no firearm, air-gun or explosive shall be discharged from any merchant or other private vessel within the limits of the Dockyard Port.

(2) No ship's gun on board any merchant or other private vessel lying within the limits of the Dockyard Port shall be loaded, except in so far as may be necessary from time to time for training personnel in the loading and unloading of the equipment or for testing its mechanism, nor shall any such gun be discharged except as a signal of distress.

(3) Race starting pistols, cannons and guns may be discharged for the sole purpose of controlling water based racing activities provided that blank ammunition rounds only are fired.

Dumping of rubbish, etc

10. Save with the licence in writing of the Queen's Harbour Master no person shall unload, cast or allow to fall into the water of the Dockyard Port, or on the shore of the Dockyard Port where the same may be able to fall into or to be washed into the said waters, any ballast, stones, earth, clay, refuse, or any other substance or object.

Reserved and recreational areas

11.—(1) The Secretary of State or the Queen's Harbour Master may, where he considers it necessary to reserve any area for mining, gunnery or dredging operations or experiments, or other naval purposes, or to ensure the safe navigation of other vessels both naval and civilian, issue a general or local notice, which shall continue in force until 31 December of the year in which it was issued, unless revoked earlier, prohibiting any person from—

- (a) causing or permitting a vessel to enter into or remain in that area, unless compelled to do so by stress of weather or to avoid accident;
- (b) entering into or remaining in that area, or from causing or permitting any vessel, animal or thing to enter into or remain in that area, except with the permission of the Queen's Harbour Master or the officer in charge of such operations, experiments or purposes; or
- (c) taking part in any recreational activities specified in the notice in such parts of that area as may be so specified, save for the purposes of avoiding danger or accident.

Use of whistle

12. 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;
- (b) as a signal of distress;

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- (c) to prevent collision;
- (d) in any condition affecting visibility;
- (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

13. Without prejudice to Regulation 1, all anchoring and mooring shall be subject to any directions of the Queen's Harbour Master.

Moorings for Her Majesty's vessels, etc

14. 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

15.—(1) This Regulation shall apply to:

- (a) areas outside the jurisdiction of the local Harbour or Docks Authority;
- (b) any area designated by the Queen's Harbour Master in a local or general Notice to Mariners.

(2) No person shall in an area to which this Regulation applies lay moorings for merchant or other private vessels, hulks, rafts, pontoons, bathing stages, racing marks, house boats, timber or any floating structures in the Dockyard Port, save with the licence in writing of the Queen's Harbour Master, and all such moorings shall be in such positions as the Queen's Harbour Master shall deem fit.

16. Any moorings anywhere within the Dockyard Port shall be removed forthwith on the order of the Queen's Harbour Master.

17. The local Harbour or Docks Authority shall inform the Queen's Harbour Master of any proposals for altering the mooring arrangements in those areas within its jurisdiction.

Clearing anchors and moorings

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

19. 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 on current Admiralty charts.

20. No merchant or other private vessel 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;

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- (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;
- (c) be moored or anchored within 100 metres of any of Her Majesty's Naval jetties, dolphins, vessels, hulks, installations or armament depots, or within 150 metres of the centre of any Naval moorings, save with the licence in writing of the Queen's Harbour Master;
- (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

21.—(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 this Order being shown on the chart annexed to this Order, and this anchorage shall be reserved for the use of Her Majesty's deep-draught naval vessels, and those commercial vessels with a draught of over 7.5 metres.

(2) Vessels of under 7.5 metres draught shall anchor in the area south-eastward of a straight line joining Fort Picklecombe and Mount Batten Tower, save in the prohibited anchorage covering the approach to Smeaton Pass.

(3) The anchorage for vessels in quarantine shall be the southern part of Jennycliff Bay south of 50°21'.00 North and eastward of the deep water channel.

22. Unless otherwise notified by the Queen's Harbour Master in a general or local Notice to Mariners no merchant or other private vessel shall anchor in—

- (1) any area within the Dockyard Port shown as a prohibited anchorage on current Admiralty charts;
- (2) any of the following areas shown on current Admiralty charts—
 - (a) the Western Channel and Eastern Channel entrances to Plymouth Sound, the approach therefrom to Smeaton Pass, and the water north of a straight line joining Fort Picklecombe and Mount Batten Tower, including Smeaton Pass, Drake Channel, and the Narrows together with Cobbler Channel and the Cattewater; but this prohibited area shall not include the Yacht Anchorage off the Hoe nor the Yacht Anchorage north of Drake's Island nor the Yacht Anchorage in Barn Pool;
 - (b) the prohibited anchorage north and south of the track of the Torpoint Ferry;
 - (c) the controlled mooring area adjacent to Mount Batten northwards;
 - (d) the prohibited anchorage off Penlee Point;
 - (e) the prohibited anchorage off the Shag Stone.

23.—(1) No vessels carrying explosives, save for those exempted by Regulation 33(2)(a) to (g) of the 1987 Regulations, shall anchor or moor within the Dockyard Port except in the following locations shown on current Admiralty charts:

- (a) Number 2 and 22 anchorages in Plymouth Sound;
- (b) "C", "D" and "E" mooring buoys in Plymouth Sound;
- (c) "Capital Ship Trot 1", "Capital Ship Trot 2", "N9", "N10" and "N11" moorings in the River Tamar;
- (d) Ernesettle Jetty;
- (e) North, South and West Tamar Trots;

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- (f) Such other locations as the Queen's Harbour Master shall publish as a general or local Notice to Mariners.
- (2) No merchant or other private vessel—
 - (a) carrying hazardous, dangerous or noxious substances (as defined in Regulation 8 of the 1987 Regulations), as cargo; or
 - (b) which is in ballast having previously carried any such substances as cargo, but which has not been gas-freed,

shall anchor or moor or secure alongside within the limits of the Dockyard Port save at a berth specified by the Queen's Harbour Master.

24. Where one of Her Majesty's vessels is anchored or moored in the Dockyard Port and displaying the signals described in Rule 3(2) of Schedule 2—

- (a) no merchant or other private vessel shall moor or anchor within 700 metres of any such of Her Majesty's vessels without the prior permission of the Queen's Harbour Master;
- (b) no merchant or other private vessel—
 - (i) carrying hazardous, dangerous or noxious substances (as defined in Regulation 8 of the 1987 Regulations) as cargo; or
 - (ii) which is in ballast having previously carried any such substances as cargo, but which has not been gas-freed,

shall anchor or moor within 1,000 metres of any such of Her Majesty's vessels without prior permission of the Queen's Harbour Master.

Anchoring within the Dockyard Port

25. If in an emergency any vessel is obliged to anchor otherwise than in accordance with these Regulations, the master of such vessel shall as soon as practicable thereafter inform the Queen's Harbour Master.

Navigational marks, etc

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

Dredging for lost objects

27. Save with the licence in writing of the Queen's Harbour Master, no person shall dredge in the Dockyard Port with drags, hooks, nets or other apparatus for property dropped or thrown therein.

Landing on Plymouth Breakwater

28. Save with the licence in writing of the Queen's Harbour Master no person or aircraft may at any time land upon Plymouth Breakwater.

PART II

REGULATIONS NORMALLY APPLICABLE TO VESSELS OVER 25 METRES

General

29. Regulations 29 to 39 shall apply only to vessels over 25 metres in length provided that the Queen's Harbour Master may by notice published as a general or local Notice to Mariners extend the provisions therein where applicable to cover all shipping traffic when necessary for safety within the Dockyard Port or operational requirements connected with national defence.

Notification of arrival of inward bound vessels

30.—(1) The master of every vessel shall so far as practicable, at least 24 hours prior to arrival or on leaving the last port, whichever is the later, advise the Queen's Harbour Master of his estimated time of arrival at the line joining Penlee Point to the Shag Stone.

(2) The master of every vessel shall report by radio to the Queen's Harbour Master on passing each and either of the following reporting points—

- (a) the line joining Penlee Point to the Shag Stone;
- (b) Plymouth Breakwater.

(3) The master of every vessel shall, within 30 minutes after the vessel has completed mooring, or come to anchor, inform the Queen's Harbour Master of that fact.

Notification of departure of outward bound or shifting vessels

31.—(1) The master of every vessel which is berthed or anchored within the Dockyard Port and proposes to navigate within the Dockyard Port for the purpose of either leaving the Dockyard Port or shifting berths within the Dockyard Port shall—

- (a) so far as is practicable give prior notice to the Queen's Harbour Master of his intention—
 - (i) not less than 60 minutes before he proposes to begin the navigation, and again
 - (ii) within 10 minutes of the time when he proposes to begin the navigation, and
- (b) inform the Queen's Harbour Master on completion of the navigation or when passing Plymouth Breakwater outbound.

(2) In the event of it proving impractical to give the notice required in sub-paragraph (1)(a) above, the master or agent shall as soon as practicable advise the Queen's Harbour Master of the proposed navigation.

(3) The master shall notify the Queen's Harbour Master as soon as is practicable of any change to any notice given under sub-paragraph (1)(a) above.

Anchoring within the Dockyard Port

32. No vessel over 25 metres in length shall anchor within the Dockyard Port north of the line joining Penlee Point to the Shag Stone without the prior permission of the Queen's Harbour Master.

Tows inwards or outwards

33.—(1) Without prejudice to Regulation 30(1), the master of every vessel, other than a tug when employed in assisting the berthing of a powered vessel, towing another vessel within the Dockyard port, shall give prior notice to the Queen's Harbour Master not less than 60 minutes prior to commencement of the tow.

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(2) Where notice is given pursuant to paragraph (1) the notice shall be accompanied by any of the following details:

- (a) whether the tow involves a dead ship, abnormal tow, partially disabled ship, is unstable or has an excessive list or trim, is leaking bunkers or oil, chemical or gas cargo;
- (b) any other defect which may cause the tow to be a hazard within the Dockyard Port.

Vessels with mechanical, equipment or structural defects

34.—(1) No vessel shall be navigated within the Dockyard Port except with the permission of the Queen’s Harbour Master in accordance with any conditions attached thereto if the vessel has any of the following defects:

- (a) defects to main engines, steering gear or other auxiliary machinery which may affect the manoeuvring of the vessel;
- (b) inoperable equipment which may affect the safe navigation of the vessel including but without limitation to Very High Frequency radiotelephony equipment, radar, compass, whistle or siren, or rudder indicator;
- (c) inoperable capstans, winches, mooring winches, or anchors that are not cleared and ready for use;
- (d) a list of over five degrees or is excessively out of trim;
- (e) any cargo, or any hull or machinery damage which may affect the safety of the vessel or the containment or safety of the cargo or bunkers;
- (f) it is unseaworthy in any respect.

(2) The master of every vessel shall make a declaration to the Queen’s Harbour Master that his vessel does not have any of the defects specified in paragraph (1) above at the same time as he advises or is required by Regulations 30 to 32 to advise the Queen’s Harbour Master of his intention to navigate within the Dockyard Port.

Vessels carrying hazardous, dangerous, noxious or polluting substances as cargo

35.—(1) This Regulation applies to any vessel which is carrying:

- (a) Any articles or substances falling within Class 1 in the IMDG Code other than:
 - (i) explosives assigned to Hazard Division 1.4 and Compatibility Group S as defined by the IMDG Code;
 - (ii) distress signals assigned either to Hazard Division 1.2, 1.3 or 1.4 as defined by the IMDG Code;
 - (iii) fireworks assigned to Hazard Division 1.4 (Fireworks Type D) as defined by the IMDG Code;
- (b) any liquefied gas in bulk listed in the International Gas Carrier Code for Existing Ships or in the International Gas Carrier Code for new ships;
- (c) any hazardous liquid chemical cargo in bulk listed in IBC Code;
- (d) any hazardous liquid chemical cargo in packages (Classes 2, 3, 4, 5, 6, 8 or 9 of the Codes referred to in sub paragraphs (b) and (c) above);
- (e) Radioactive Substances.

(2) The master of any vessel to which this Regulation applies shall—

- (a) give notice to the Queen’s Harbour Master, not less than 24 hours in advance, or within one hour before expected time of departure from the last port of call, whichever is the later, of—

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- (i) his intention to navigate within the Dockyard Port and of the nature of the cargo, and
 - (ii) if the vessel is in ballast but not gas-freed after a previous cargo, the nature of that cargo, in accordance with the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995(1); and
- (b) on giving notice under subparagraph (a) above of leaving the Dockyard Port or shifting berth, inform the Queen's Harbour Master of the nature of the vessel, its cargo and that the vessel is in possession of a valid Certificate of Fitness to carry such hazardous cargo or has the prior permission of the Queen's Harbour Master.

(3) No vessel to which this Regulation applies, but which is not in possession of a valid Certificate of Fitness to carry such hazardous cargo, shall navigate within the Dockyard Port except with the prior permission of the Queen's Harbour Master and in accordance with any conditions attached thereto.

(4) Any vessel to which this Regulation applies shall only anchor in such a position as directed by the Queen's Harbour Master and while at anchor shall remain at immediate notice to get underway.

Carriage of very high frequency radiotelephony equipment

36.—(1) All vessels wishing to navigate within the Dockyard Port are required to carry fixed or portable Very High Frequency radiotelephony equipment, which shall comply with the Merchant Shipping (Radio Installation) Regulations 1992(2)

(2) Every vessel shall maintain a listening watch in the wheelhouse on the frequency of 156.8 Megahertz (Channel 16), or any other frequency that the Queen's Harbour Master from time to time may order, when it is within the Dockyard Port.

(3) Vessels not carrying Very High Frequency radiotelephony equipment in accordance with paragraph (1) above shall not navigate in the Dockyard Port except with the prior permission of the Queen's Harbour Master.

Vessels grounded, on fire or which have been in collision within the Dockyard Port

37. Where any vessel has grounded, is on fire or has been in collision within the Dockyard Port, the master of that vessel shall—

- (a) give immediate notice to the Queen's Harbour Master of the position of the vessel, known damage, confirmation of cargo or any other information required by the Queen's Harbour Master; and
- (b) not navigate the vessel other than for the safety of the vessel except with the prior permission of the Queen's Harbour Master and in accordance with his directions.

Vessels which have been grounded, had a fire, been in collision or sustained damage outside the Dockyard Port

38.—(1) This Regulation shall apply to every vessel which is outside the Dockyard Port and which is intended to be navigated within the Dockyard Port and which has—

- (a) been grounded, had a fire, or been in collision; or
- (b) sustained damage to its structure, equipment or machinery; or
- (c) sustained movement or instability of cargo has led to a list or likelihood of a list.

(1) [SI 1995/2498](#).

(2) [SI 1992/3](#).

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(2) The master of a vessel to which this Regulation applies shall give notice to the Queen's Harbour Master on the condition of his vessel and of its cargo, such notice to be given at least 24 hours prior to the vessel's estimated time of arrival at the straight line joining Penlee Point to the Shag Stone or as soon as possible after the incident whichever is later.

(3) A vessel to which this Regulation applies shall only navigate within the Dockyard Port with the prior permission of the Queen's Harbour Master.

Use of automatic pilot steering devices

39. The master of every vessel when navigating within the Dockyard Port shall ensure that in the event of use being made of an automatic pilot steering device a competent helmsman other than the master or a pilot is in attendance at a steering position to steer the vessel manually immediately circumstances so require.

Vessels wishing to adjust compasses within the Dockyard Port

40. The master of every vessel shall give the Queen's Harbour Master at least 24 hours prior notice of the intent to adjust the compass of the vessel and to confirm the intention to adjust compasses immediately prior to commencing to do so.