

1992 No. 2410

DEFENCE

RHU NARROWS BYELAWS 1992

Made - - - 2 October 1992

Coming into force 21 October 1992

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892(a), section 2 of the Military Lands Act 1900(b), section 7 of the Land Powers (Defence) Act 1958(c), and of all other powers enabling him in that behalf, and the consent of the Crown Estate Commissioners on behalf of Her Majesty having been first had and obtained for that purpose, hereby, with the consent of the Secretary of State for Transport, makes the following byelaws -

Commencement, citation and revocation

1.—(1) These byelaws shall come into operation on the 21st day of October 1992 and may be cited as the Rhu Narrows Byelaws 1992.

(2) The Faslane, Coulport and Rhu Narrows Byelaws 1986(d) so far as applying to the Protected Channel at Rhu Narrows are hereby revoked.

Interpretation

2. In these byelaws -

“vessel” includes any craft or vessel used in navigation and any craft or vessel which though not so used is for the time being waterborne.

Application of byelaws

3.—(1) These byelaws apply to the areas of water lying between the wards of Rhu/Garelochhead, Helensburgh West and Arrochar/Kilcreggan in the District of Dumbarton specified in paragraph (2) below and hereinafter referred to as “the Restricted Channel”.

(2) The Restricted Channel comprises -

- (a) the area of water extending 150 metres on either side of a line joining the following positions measured from Castle Point Light -
 - (i) 141° distant 2015 metres;
 - (ii) 122° distant 1438 metres;
 - (iii) 082° distant 488 metres;
 - (iv) 311° distant 998 metres; and
- (b) the area of water continuing from the area described in sub-paragraph (a) above extending 112.5 metres on either side of a line joining the following positions measured from Castle Point Light -
 - (i) 311° distant 998 metres;
 - (ii) 322½° distant 2866 metres.

(a) 55 & 56 Vict. c43. (b) 63 & 64 Vict. c56. (c) 6 & 7 Eliz. 2 c30. (d) SI 1986/234.

(3) The limits of the Restricted Channel are marked for convenience of reference with a black line and coloured red on the chart hereto annexed and identified as "Chart of the Restricted Channel in the Rhu Narrows".

(4) These byelaws shall be in operation only when a red light above two green lights vertically disposed is exhibited, supplemented by day by a red rectangular flag with a white diagonal bar, at each of the following places -

- (a) at Faslane, in a conspicuous position;
- (b) at Rhu Hard;
- (c) at the DG Range Building adjacent to Green Isle;
- (d) at the Navy Buildings, Greenock; and
- (e) by tugs and patrol craft in the Rhu Narrows, attending the vessel for which the Restricted Channel is closed.

(5) The display of lights or lights and flags in accordance with paragraph (4) above shall be sufficient notice that the byelaws apply for the time being to the Restricted Channel.

(6) Notwithstanding paragraph (4) above, in any proceedings in respect of an alleged offence in connection with the Restricted Channel it shall not be a defence to prove that, at the time of the alleged offence, lights or lights and flags were not being displayed at any of the places mentioned in that paragraph unless the person accused of the offence also proves that such lights or lights and flags as were being displayed were not visible from the point at which the offence occurred.

Prohibited activities

4. No person shall -

- (a) enter, pass through or over or remain in or over the Restricted Channel without authority or permission given by or on behalf of one of the persons mentioned in byelaw 8(1);
- (b) cause or permit any vessel or thing to enter into or upon or to pass through or over or to be or remain in or upon or over the Restricted Channel without authority or permission given by or on behalf of one of the persons mentioned in byelaw 8(1);
- (c) remain in the Restricted Channel after having been requested to leave by any of the persons mentioned in byelaw 7;
- (d) make any false statement, either orally or in writing, or employ any other form of misrepresentation, in order to obtain entry to any part of the Restricted Channel;
- (e) intentionally obstruct any person acting in the proper exercise or execution of his duty within the Restricted Channel;
- (f) board, climb upon or remain on board any vessel or thing within the Restricted Channel without authority or permission given by or on behalf of one of the persons mentioned in byelaw 8(1); or
- (g) interfere with, or interfere with the movement or passage of, any vessel or thing in the Restricted Channel.

Warning off

5. No person, being the owner or person in charge or for the time being in charge of any vessel or thing, shall, after having been warned by a person authorised under byelaw 7 to remove it from the Restricted Channel, permit the vessel or thing to remain in or return to the Restricted Channel.

Contravention of byelaws

6. Subject to byelaw 8 -

- (a) it shall be an offence for any person to do anything prohibited by or otherwise in contravention of any provision of byelaw 4 or 5;

- (b) the person in charge or for the time being in charge of any vessel shall observe and cause to be observed the said byelaws insofar as they relate to his vessel, and any such person who contravenes any of the said byelaws or who fails to cause them to be observed thereby commits an offence against the byelaws so contravened.

Enforcement

7. For the purposes of section 17(2) of the Military Lands Act 1892, the following persons are hereby authorised to remove from the Restricted Channel and to take into custody without warrant any person committing an offence against byelaw 4 or 5 and to remove from the Restricted Channel any vessel or thing found therein in contravention of either of those byelaws -

- (a) any officer, warrant officer or non-commissioned officer in uniform;
(b) any constable.

Exemptions

8.—(1) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State or the Defence Council shall be an offence against any of these byelaws.

(2) It shall be a defence in any proceedings under these byelaws for the accused to establish that the act or omission constituting the alleged offence could not have been avoided by the exercise of reasonable care on his part.

Signed

Parsons.

Dated

22 Sept. 1992.

Parliamentary Under Secretary of State
Ministry of Defence

The Secretary of State for Transport hereby consents to the making of these byelaws.

Signed

Mrs Jackson

Dated

2 October 1992

An Assistant Secretary

NOTICES

(These notices are for information only and do not form part of the byelaws)

Penalty for offences

1. The penalty on conviction of an offence against the byelaws is the penalty for the time being set out in section 17(2) of the Military Lands Act 1892 (at the time when the byelaws were made, a fine not exceeding level 2 on the standard scale (£100)).

Inspection of byelaws and chart

2. A copy of the byelaws and a chart showing the Restricted Channel to which they apply may be inspected at the following locations -

1. Rhu Point.
2. RCT Port Squadron, Rhu.

A copy of these byelaws may also be obtained on postal application from the office of the Ministry of Defence, IL(Lands) Safeguarding and Byelaws, Room B4/3, Block B, Leatherhead Road, Chessington, Surrey KT9 2LU at the price of five pence (5p).

CHART OF THE RESTRICTED CHANNEL IN THE RHU NARROWS

NOTE: This chart is for use in identifying the area of the Restricted Channel within Rhu Narrows. For navigational purposes it should be used in conjunction with Admiralty Chart 2000 - GARELOCH

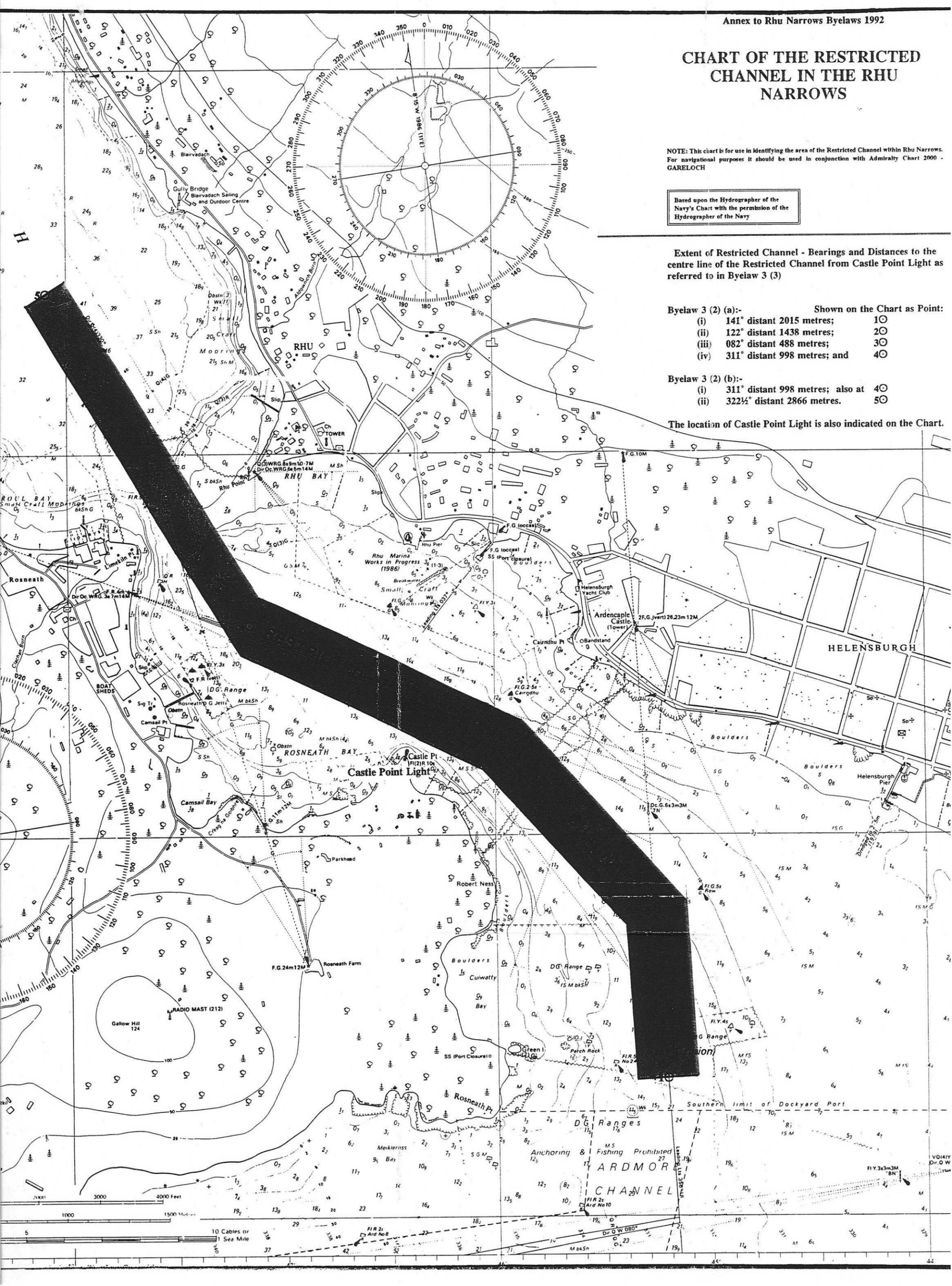
Based upon the Hydrographer of the Navy's Chart with the permission of the Hydrographer of the Navy

Extent of Restricted Channel - Bearings and Distances to the centre line of the Restricted Channel from Castle Point Light as referred to in Byelaw 3 (3)

- Byelaw 3 (2) (a):- Shown on the Chart as Point:
- (i) 141° distant 2015 metres; 10
 - (ii) 122° distant 1438 metres; 20
 - (iii) 082° distant 488 metres; 30
 - (iv) 311° distant 998 metres; and 40

- Byelaw 3 (2) (b):-
- (i) 311° distant 998 metres; also at 40
 - (ii) 322½° distant 2866 metres. 50

The location of Castle Point Light is also indicated on the Chart.



Notwithstanding any fine limit mentioned in the above byelaws the current maximum fine as at 01/09/2008 is the sum of £500 being the maximum on level 2 of the standard scale.