

STATUTORY INSTRUMENTS
1986 No 1708

D/Lands/6/123



THE HOLY LOCH BYELAWS 1986

Made by the Secretary of State for Defence, under the provisions of the Military Lands Acts and the Land Powers (Defence) Act, for regulating the use of the above-mentioned moorings.

STATUTORY INSTRUMENTS

1986 No. 1708

DEFENCE

THE HOLY LOCH BYELAWS 1986

Made 16th September 1986

Coming into Operation 1st October 1986

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 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.

APPLICATION OF BYELAWS

1. (1) These byelaws apply to two Protected Areas (Western and Eastern) around moorings belonging to the Secretary of State in the Holy Loch and are as follows:

- (a) The Western Protected Area is established through the following points (measured from True North):

Point W1 334 $\frac{1}{2}$ ° White Farlane Point Monument 433.0 metres;

Point W2 304° Point W1 545.0 metres;

Point W3 034° Point W2 366.0 metres;

Point W4 124° Point W3 545.0 metres;

as follows:

A line joining W1 to W2

thence to W3 by a semi-circle of 183 metres radius to the northwest

thence to W4 and

thence to W1 by a semi-circle of 183 metres radius to the southeast

and the southwestern and northeastern limits of the above area will be marked by beacons in transit at the head of the Loch (312° White Farlane Point Monument 1575 metres and 325° White Farlane Point Monument 1630 metres respectively).

(a)1892 c.43

(b)1900 c.56

(c)1958 c.30

- (b) The Eastern Area is established through the following points (measured from True North):

Point E1 094° White Farlane Point Monument 733.0 metres;
 Point E2 302° Point E1 293.0 metres;
 Point E3 032° Point E2 366.0 metres;
 Point E4 122° Point E3 293.0 metres;

as follows:

A line joining E1 to E2
 thence to E3 by a semi-circle of 183 metres radius to the northwest
 thence to E4 and
 thence to E1 by a semi-circle of 183 metres radius to the southeast.

(2) the limits of these areas are marked (for convenience of identification only), with a thick black line on the plan hereto appended and identified as "Plan of the Protected Areas at Holy Loch".

(3) Without prejudice to their applying at all times to the said Western Area these byelaws shall apply to the said Eastern Area only when there is exhibited at the eastern end of the floating dock (approximate position 348° White Farlane Point Monument 519.6 metres)

- (a) by night, a red light above two green lights vertically disposed;
- (b) by day the lights mentioned in paragraph (a) above and a red rectangular flag with a white diagonal bar.

PROHIBITED ACTIVITIES

2. Subject to byelaw 5 no person shall:

- (a) enter, pass through or over or remain in or over any of the Protected Areas.
- (b) cause or permit any vessel, aircraft or other object to enter or to pass through or over or to be or remain in or over any of the Protected Areas.
- (c) remain in any of the Protected Areas after having been directed to leave by any of the persons mentioned in byelaw 4.
- (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 Protected Areas or to any ships or craft within the Protected Areas.
- (e) obstruct any constable or other person acting in the proper exercise or execution of his duty within the Protected Areas.

- (f) board, climb upon or remain on board any service vessel within the Protected Areas.
- (g) interfere with, or with the movement or passage, of any service vessel in the Protected Areas.
- (h) distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill or notice within the Protected Areas.
- (i) interfere with or remove from the Protected Areas any stores, machines, appliances or other articles belonging to or under the control of:
 - (i) the Crown;
 - (ii) the service authorities of a visiting force; or
 - (iii) persons acting for or on behalf of the Crown or the said service authorities.
- (j) wilfully damage, soil, mark, or deface any dock, vessel, buoy, structure, or other object within the Protected Areas.

CONTRAVENTION OF BYELAWS

3. Subject to the provisions of byelaw 5

(1) It shall be an offence for any person to contravene or attempt to contravene any of these byelaws.

(2) The master of every vessel shall observe or cause to be observed the said byelaws so far as they relate to his vessel, and any master who contravenes any of the said byelaws or who fails to cause the same to be observed thereby commits an offence against the byelaw so contravened.

ENFORCEMENT

4. The following persons are hereby authorised to remove from the Protected Areas and to arrest without warrant any person committing an offence against any of the provisions of byelaw 2, and to remove from the Protected Areas any aircraft, vessel or other object whatsoever found therein in contravention of any of the said byelaws:

- (a) the Flag Officer, Scotland and Northern Ireland;
- (b) the Flag Officer, Submarines;
- (c) the Commodore, Clyde;
- (d) the Queen's Harbour Master, Clyde Dockyard Ports;
- (e) any officer, any warrant officer, non-commissioned officer or naval rating of corresponding rank, in uniform and for the time being under the command of any of the officers mentioned in (a) to (d) above;

- (f) any other crown servant authorised in writing by or on behalf of any of the officers mentioned at (a) to (d) above;
- (g) any constable.

EXEMPTIONS

5. (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, the Flag Officer, Scotland and Northern Ireland, the Flag Officer, Submarines, the Commodore Clyde, the Queen's Harbour Master, Clyde Dockyard Ports, or the Chief Constable of the Ministry of Defence Police shall be an offence against any of these byelaws.

(2) These byelaws shall not apply to:

- (a) any vessel or aircraft in the service of the Crown or of a visiting force
- (b) any aircraft passing over the Protected Areas in the ordinary course of air navigation.

(3) It shall be a defence to any prosecution 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.

PENALTY FOR OFFENCES

6. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding One Hundred Pounds (£100).

INTERPRETATION

7. In these byelaws the expression:

“aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne;

“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;

“master” includes the person having command or charge for the time being of any vessel;

“service vessel or service aircraft” means any of Her Majesty's ships or aircraft or any vessel or aircraft employed under the authority of the Secretary of State for the purposes of Her Majesty's Forces or any ship or aircraft owned or chartered by a Visiting Force;

“visiting force” means such body, contingent or detachment of the force of any country as is a visiting force for the purpose of any of the provisions of the Visiting Forces Act 1952 (a)

DATE OF OPERATION OF BYELAWS

8. These byelaws shall come into operation on the first day of October 1986, and may be cited as the Holy Loch Byelaws 1986.

Dated this 9th day of July 1986.

ROGER FREEMAN

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

Dated this 16th day of September 1986.

J R FELLOWS

An Assistant Secretary

EXPLANATORY NOTES

(These notes are for information only and are not part of the byelaws)

INSPECTION OF BYELAWS AND PLAN

1. A copy of these byelaws may be inspected at the Police Stations at Argyll Road, Dunoon, and East Kings Street, Helensburgh. They may also be inspected at the Police Point at Ardnadam Pier. Copies may be obtained from the AES Scotland West, Property Services Agency, Montrose House, 187 George Street, Glasgow G1 1YT.

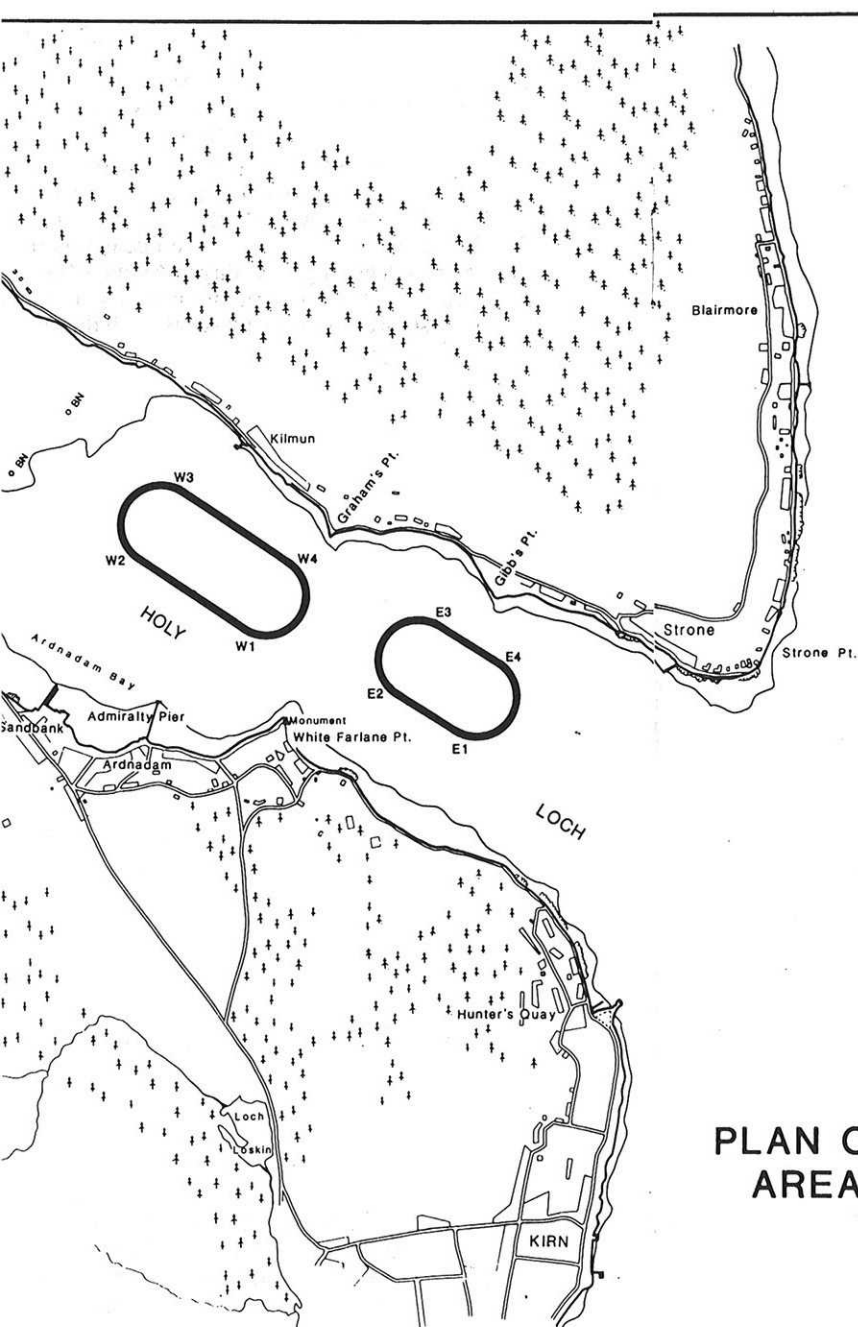
FACILITIES TO YACHTSMEN

2. The Queen's Harbour Master will afford members of the Holy Loch Sailing Club and the Benmore Centre every facility to pursue bona fide sailing activities in the Holy Loch commensurate with the orderly regulation of the Protected Areas. In particular, the Queen's Harbour Master will normally give exemption under byelaw 5(1), to enable yachting events to take place in nominated areas or along specified racing courses provided that he is given sufficient notice to such events by the organisers. Such exemptions will generally carry a caveat giving the distance sailing craft and committee boats must keep from the ships and submarines in the Protected Areas.

USE OF THE PROTECTED AREAS

3. The Western Protected Area will be in permanent military use, and will be closed at all times, except as specified by the Queen's Harbour Master under byelaw 5(1).

The Eastern Protected Area will only be in occasional military use. Notice of use of this area will be by hoisting of the signals described in byelaw 1(3). It is expected that the Eastern Area will be closed on no more than five occasions per year for a period not normally exceeding five days. At all other times there will be no restrictions on the use of the area by members of the public other than those provided for under the Clyde Dockyard Port of the Holy Loch Order(a).



LOCH
LONG

PLAN OF THE PROTECTED AREAS AT HOLY LOCH

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1992 No. 1277

DEFENCE

THE HOLY LOCH (REVOCATION) BYELAW 1992

Made - - -

2nd June 1992

Coming into force

3rd June 1992

The Secretary of State for Defence, in exercise of his powers under Part I 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 the consent of the Crown Estate Commissioners on behalf of Her Majesty having been first had and obtained for this purpose, with the consent of the Secretary of State for Transport, makes the following byelaw -

Commencement and Citation

1. This byelaw shall come into operation on the 3rd day of June 1992 and may be cited as the Holy Loch (Revocation) Byelaw 1992.

Revocation

2. The Holy Loch Byelaws 1986(d) are hereby revoked.

Signed

Dated 28th May 1992

Parliamentary Under Secretary of State
for the Armed Forces, Ministry of Defence

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

Signed

Dated 2nd June 1992

An Assistant Secretary

(a) 55 & 56 Vict. c43. (b) 63 & 64 Vict. c56. (c) 6 & 7 Eliz. 2 c30. (d) SI 1986/1708.