



THE DOCKYARD PORT OF ROSYTH 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 dockyard.

STATUTORY INSTRUMENTS

1986 No 1337

DEFENCE

THE DOCKYARD PORT OF ROSYTH BYELAWS 1986

Made 12th June 1986

Coming into Operation 1st August 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 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:

APPLICATION OF BYELAWS

1.(1) The area to which these byelaws apply (hereinafter referred to as "the Protected Area") consists of;

- (a) the area of land situated within the perimeter of Her Majesty's Naval Base (HMNB), Rosyth, including the perimeter fence, jetties, walls and other waterside installations; and
- (b) the area of water adjoining the said area of land bounded by a line 150 metres distant from the seaward edge of the said area of land measured from Mean High Water Springs and 400 metres from the seaward side of the Naval Base west wall.

(2) The limits of the areas are marked for convenience of identification only with a thick black line on the plan annexed to these byelaws and identified as "Plan of the Protected Area at HMNB Rosyth".

PROHIBITED ACTIVITIES

2. No person shall:

- (a) enter or leave the Protected Area except by way of an authorised entrance or exit.

(a)1892 c.43

(b)1900 c.56

(c)1958 c.30

- (b) enter, pass through or over or remain in or over any of the Protected Area.
- (c) cause or permit any vessel, vehicle, aircraft or other object to enter into or to pass through or over or to be or remain in or over any of the Protected Area.
- (d) remain in the Protected Area after having been directed to leave by any of the persons mentioned in byelaw 4.
- (e) 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 Area or to any premises, ships or craft within the Protected Area.
- (f) obstruct any constable or other person acting in the proper exercise or execution of his duty within the Protected Area.
- (g) fail to comply with any notice prohibiting or restricting access to any part of the Protected Area or to any (or part of any) berth, pontoon, floating dock, or other installation or structure (including any floating structure) within the Protected Area.
- (h) board, climb upon or remain on board any service vessel within the Protected Area.
- (i) interfere with, or with the movement or passage of any service vessel in the Protected Area.
- (j) distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill or notice within the Protected Area, or affix the same to either side of the perimeter fence.
- (k) interfere with or remove from the Protected Area 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.
- (l) wilfully damage, soil, mark, or deface any dock, vessel, buoy, structure, or other surface within the Protected Area.

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 or attempts to contravene 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 Area and to arrest without warrant any person committing an offence against byelaw 2, and to remove from the Protected Area any vehicle, 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 Port Admiral, HMNB Rosyth;
- (c) the Queen's Harbour Master, Rosyth;
- (d) any officer, any warrant officer, non-commissioned officer or naval rating of corresponding rank, in uniform and being for the time being under the command of any of the officers mentioned at (a) to (c) above;
- (e) any other Crown servant authorised in writing by or on behalf of any of the officers mentioned at (a) to (c) above;
- (f) any constable as defined in section 3(1) of the Police (Scotland) Act 1967, and any constable under the control of the Defence Council.

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 Port Admiral, the Queen's Harbour Master, Rosyth, 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 Area 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.

INTERPRETATION

6. 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 purposes of any of the provisions of the Visiting Forces Act 1952(a).

PENALTY FOR OFFENCES

7. 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).

DATE OF OPERATION OF BYELAWS

8. These byelaws shall come into operation on the 1st day of August 1986, and may be cited as the Dockyard Port of Rosyth Byelaws 1986.

dated this 12th day of June 1986.

TREFGARNE

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

dated this 12th day of June 1986.

J. R. FELLOWS

An Assistant Secretary in the Department of Transport.

For and on behalf of the Secretary of State.

9. The Dockyard Port of Rosyth Byelaws 1971(b) are hereby revoked.

(a)1952 c.67

(b)SI 1971/917

EXPLANATORY NOTES

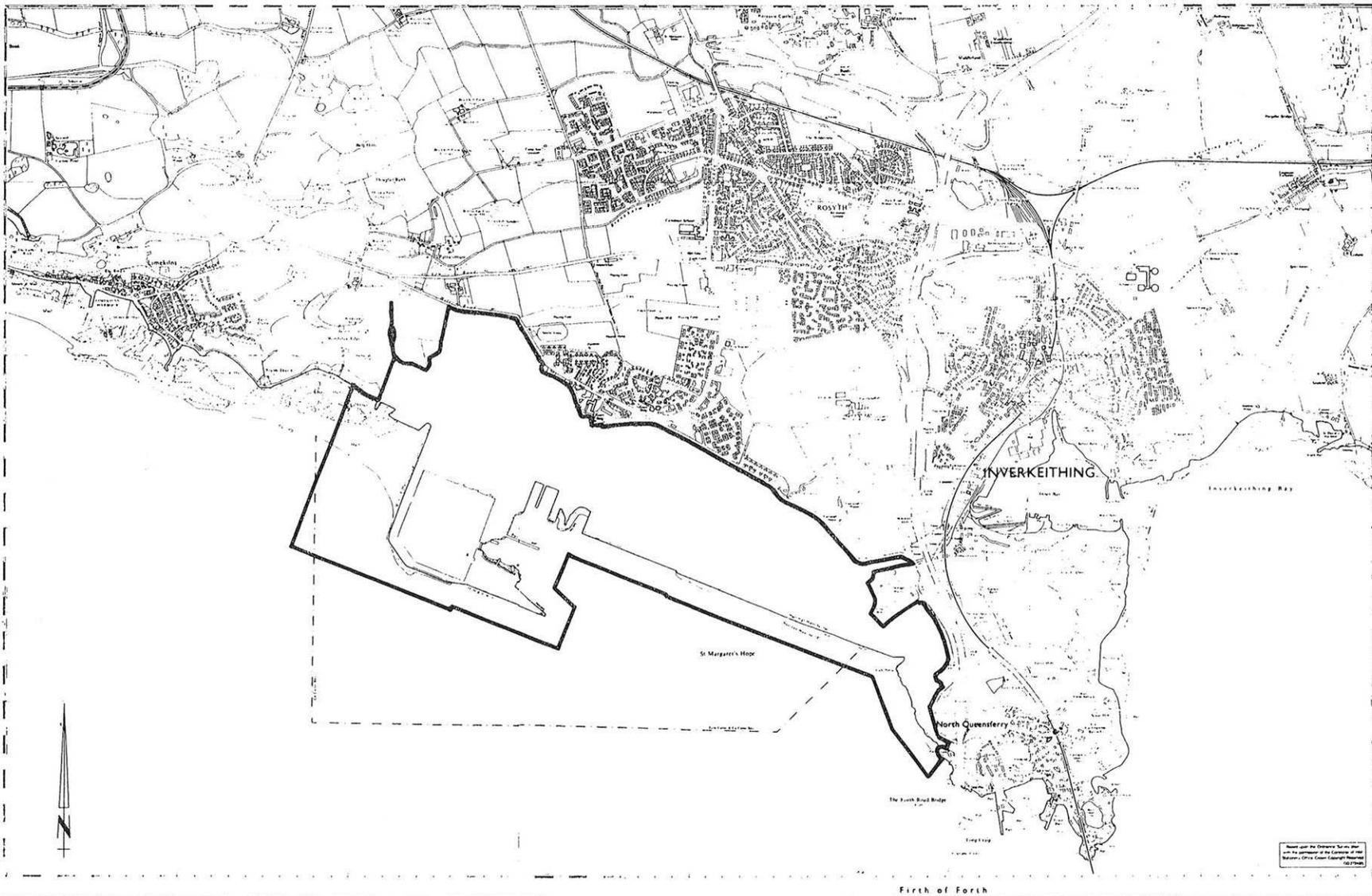
(These notes are for information only and are not part of the byelaws)

FACILITIES TO YACHTSMEN

1. The Queens Harbour Master will afford members of the Forth Yacht Clubs Association every facility to pursue bona fide sailing activities commensurate with the orderly regulation of the Protected Area.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these byelaws may be inspected at the Police Office at the gate of the Naval Base, Rosyth. They may also be obtained from the Property Services Agency, Area Works Office (East), Hilton Road, Rosyth, Dunfirmline, Fife.



PLAN OF THE PROTECTED AREA AT
H.M.N.B. ROSYTH

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.