

*Amended
by SI 937 of 1973*



Faslane, Coulport and Rhu Narrows

BYELAWS

Made by the Secretary of State for Defence under the provisions of Part II of the Military Lands Act 1892, Section 2 of the Military Lands Act 1900 and Section 7 of the Lands Powers (Defence) Act 1958, for regulating the use of the above-mentioned areas of land and water.

DEFENCE**Faslane, Coulpport and Rhu Narrows Byelaws 1971****Made 17th May 1971****Coming into operation 10th September 1971**

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 Lands Powers (Defence) Act 1958(c), section 2 of the Defence (Transfer of Functions) Act 1964(d) 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 Trade and Industry, makes the following Byelaws:—

APPLICATION OF BYELAWS

1. (1) The areas to which these Byelaws apply consist of the Protected Area at Faslane, the Protected Area at Coulpport and the Protected Channel in the Rhu Narrows (hereinafter referred to as “the Protected Areas” and “the Protected Channel”) and are as follows:—

(a) The Protected Area at Faslane

- (i) The area of land situated within the perimeter fences of the Clyde Submarine Base including the jetties, floating dock and other waterside installations; and
- (ii) the area of water adjoining the said area of land bounded by a line 500 feet distant from the seaward edge of the said area of land;
- (iii) the limits of this area of land and water are marked with a thick black line on the plan hereto annexed and identified as “Plan of the Protected Area at FASLANE”.

(b) The Protected Area at Coulpport

- (i) The area of land situated within the perimeter fences of the Royal Naval Armament Depot, Coulpport,

including the jetty and other waterside installations;
and

- (ii) an area of water adjoining the said area of land bounded by a line 500 feet distant from the seaward edge of the said area of land;
- (iii) the limits of this area of land and water are marked with a thick black line on the plan hereto annexed and identified as "Plan of the Protected Area at COULPORT".

(c) The Protected Channel in the Rhu Narrows

- (i) The Protected Channel comprises an area bounded by lines joining the following points as measured from Ardencaple Tower:—

- (aa) 180° (true) distant 7,250 feet;
- (bb) 163° (true) distant 7,600 feet;
- (cc) 176° (true) distant 4,200 feet;
- (dd) 182° (true) distant 4,450 feet; and

- (ii) continuing from the area described in (i), the area of water extending 250 feet on either side of a line joining the following positions:—

- (aa) 178° (true) from Ardencaple Tower distant 4,400 feet;
- (bb) 059° (true) from Castle Light Point distant 1,350 feet;
- (cc) 208° (true) from Rhu Church Tower distant 3,900 feet;
- (dd) 305° (true) from Rhu Church Tower distant 4,400 feet;

- (iii) the limits of the Protected Channel are marked with a thick black line on the plan hereto annexed and identified as "Plan of the Protected Channel in the RHU NARROWS".

- (iv) These Byelaws shall, in so far as they apply to the Protected Channel, be in operation only when, and for so long as 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:—

- (aa) at Faslane, on the Floating Dock or otherwise in a conspicuous position;
- (bb) at Rosneath Pier;
- (cc) at Helensburgh Pier;

(dd) at the Navy Buildings, Greenock, and

(ee) by tugs or patrol craft in the Rhu Narrows.

(v) The display of such lights or lights and flags as aforesaid shall be sufficient notice that the Byelaws apply for the time being to the Protected Channel.

(vi) In Byelaw 2 the references to the Protected Channel shall be read as applying only when and for so long as the said lights or lights and flags are so displayed.

OFFENCES

2. (1) No person shall enter or leave or attempt to enter or leave either of the Protected Areas by land except by way of an authorised entrance or exit.
- (2) No person shall enter, pass through or over or remain in or over either of the Protected Areas or the Protected Channel without authority or permission given by or on behalf of one of the persons mentioned in Byelaw 5(1).
- (3) No person shall cause or permit any vessel, vehicle, animal, aircraft or thing to enter into or upon or to pass through or over or to be or remain in or upon or over either of the Protected Areas or the Protected Channel without authority or permission given by or on behalf of one of the persons mentioned in Byelaw 5(1).
- (4) No person shall remain in either of the Protected Areas or in the Protected Channel after having been requested to leave by any of the persons mentioned in Byelaw 4.
- (5) No person shall 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 either of the Protected Areas or to any building or premises within the Protected Areas.
- (6) No person shall obstruct any member of the Admiralty Constabulary or any other person acting in the proper exercise of his duty within either of the Protected Areas or the Protected Channel.
- (7) No person shall fail to comply with any notice prohibiting or restricting access to any part of either of the Protected Areas or to any (or part of any) building or premises, jetty, berth, pontoon, floating dock, or other installation or structure (including any floating structure) within either of the Protected Areas.
- (8) No person shall board, climb upon or remain on board any service vessel within either of the Protected Areas or the Protected Channel without authority or permission given by or on behalf of one of the persons mentioned in Byelaw 5(1).

- (9) No person shall interfere with, or with the movement or passage of, any service vessel in either of the Protected Areas or the Protected Channel.
- (10) No person shall distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill or notice within either of the Protected Areas without authority or permission given by or on behalf of one of the persons mentioned in Byelaw 5(1).
- (11) No person shall interfere with or remove from either of the Protected Areas or the Protected Channel any stores or articles or machines or appliances belonging to or under the care or control of the Ministry of Defence or otherwise the property of the Crown.
- (12) No person shall wilfully damage, destroy, deface or remove any notice board within either of the Protected Areas.
- (13) No person shall wilfully soil, deface or mark any wall, structure, floor, pavement or other surface within either of the Protected Areas.

CONTRAVENTION OF BYELAWS

3. Subject to the provisions of Byelaw No 5—

- (1) any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws 2(1) to 2(13) thereby commits an offence against the Byelaw so contravened and any person who attempts to commit, or who aids, abets, counsels or procures the commission of, any such offence shall be deemed to have committed that offence.
- (2) the master of every vessel shall observe and 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 the Protected Channel and to take into custody without warrant any person committing an offence against any of the preceding Byelaws 2(1) to 2(13), and to remove from the Protected Areas and the Protected Channel any vehicle, animal, aircraft, vessel or thing 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) any officer, any warrant officer, non-commissioned officer or rating of corresponding rank, in uniform and being for the time being under the command of any of the officers mentioned at Byelaw 4(a) to (c);
- (e) any person authorised in writing by or on behalf of any of the officers mentioned at Byelaw 4(a) to (c);
- (f) any constable including 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 Flag Officer, Submarines, the Commodore, Clyde, the Superintending Armament Supply Officer, Royal Naval Armament Depot, Coulpport, or the Chief Constable of the Admiralty Constabulary shall be an offence against any of these Byelaws.
- (2) These Byelaws shall not apply to—
- (a) any service vessel or service aircraft;
 - (b) any aircraft passing over either of the Protected Areas or the Protected Channel in the ordinary course of air navigation.
- (3) If it is proved that an act or omission of any person which would otherwise have been an offence against any of the provisions of Byelaw 2 was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be an offence by that person against that Byelaw.
- (4) These Byelaws shall not apply in the Protected Area at Faslane to any person, vessel, vehicle, railway train or thing proceeding to or from or at the premises of Shipbreaking Industries Ltd or Timbcraft Ltd in connection with the business of either of these firms, or the successors to these firms carrying on business of a similar nature at the said premises.

INTERPRETATION

6. (1) The Interpretation Act 1889(a) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.
- (2) In these Byelaws the following expressions shall, unless the context otherwise requires, have the meanings assigned to them respectively, that is to say—

“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 of a vessel for the time being;

“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.

DATE OF OPERATION OF BYELAWS

7. These Byelaws shall come into operation on the Tenth day of September 1971, and may be cited as the Faslane, Coulport and Rhu Narrows Byelaws, 1971.

Dated this Seventeenth day of May 1971.

(Sgd.) D. J. CHAPMAN

By order of the Secretary
of State for Defence.

The Secretary of State for Trade and Industry hereby consents to the making of these Byelaws.

Dated this Fifth day of May 1971.

For and on behalf of the
Secretary of State

(Sgd.) R. F. PROSSER

An Under Secretary of the
Department of Trade
and Industry.

NOTICES

PENALTY FOR OFFENCES

1. By section 17(2) of the Military Lands Act, 1892, as amended by section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided that:—

If any person commits an offence against any Byelaw under this Act, he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding TWENTY POUNDS, and may be removed by any Constable or Officer authorised in manner provided by the Byelaw from the area, whether land or water, to which the Byelaw applies, and taken into custody without warrant, and brought before a Court of Summary Jurisdiction to be dealt with according to law, and any vehicle, animal, vessel, or thing found in the area in contravention of any Byelaw, may be removed by any Constable or such Officer as aforesaid, and on due proof of such contravention, be declared by a Court of Summary Jurisdiction to be forfeited to Her Majesty.

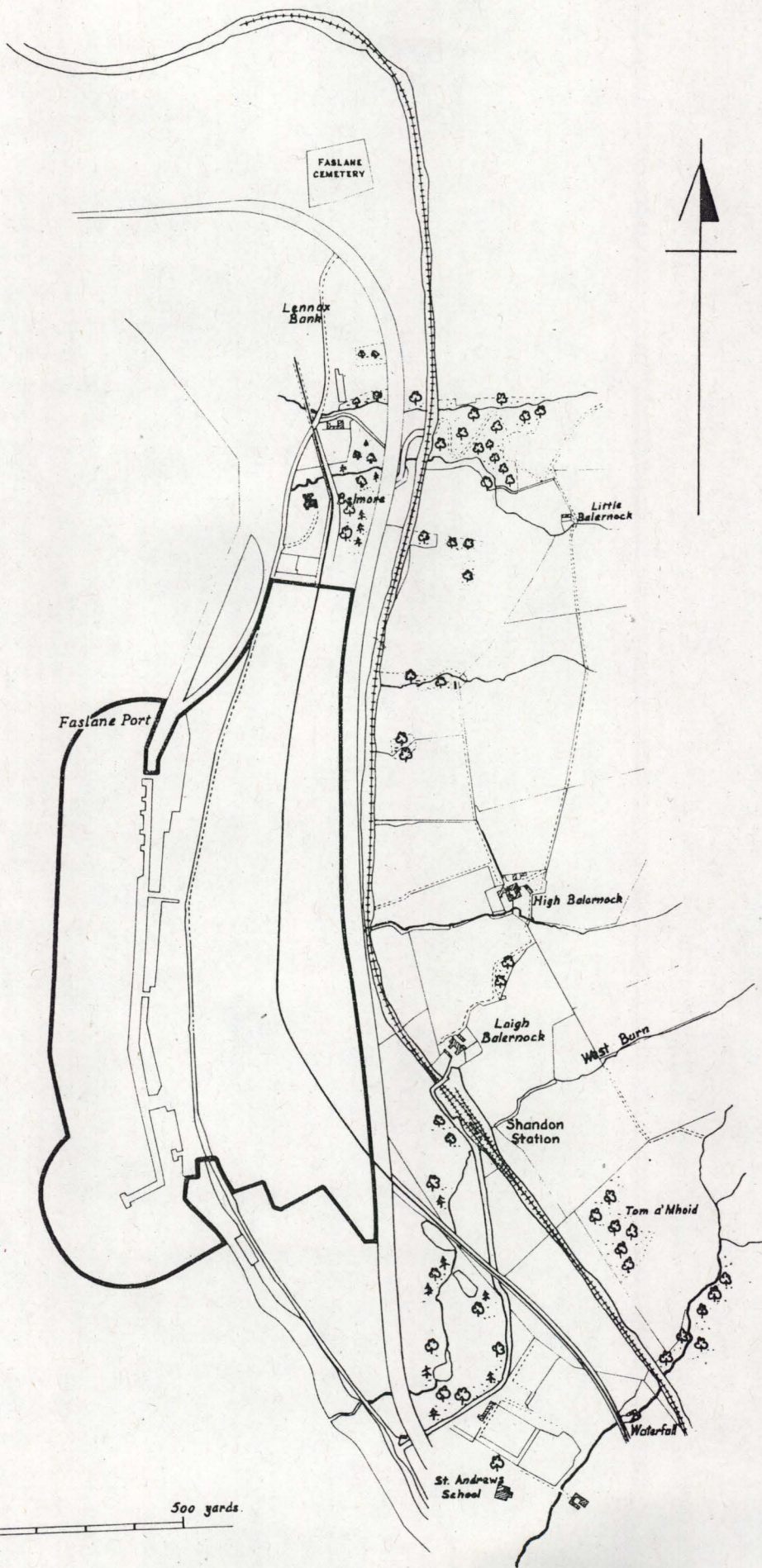
OPERATION OF BYELAWS

2. The Byelaws affecting the Protected Channel come into operation for the periods during which the lights or lights and flags described in Byelaw 1(1)(c)(iv) are displayed. The conditions under which the lights or lights and flags may be displayed are those prescribed in the Clyde Dockyard Port of Gareloch and Loch Long Order 1967 (SI 1967 No. 1141), as amended by the Clyde Dockyard Port of Gareloch and Loch Long (Amendment) Order 1971 (SI 1971 No. 210), Schedule 2 of which provides for temporary restrictions on navigation in the Rhu Narrows Channel during movements of submarines or large naval vessels.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws may be inspected at the office of the Superintending Defence Land Agent, Ministry of Defence, Donibristle Estate, Hillend, Dunfermline, Fife, where copies of the Byelaws may also be obtained at the price of five pence (5p) for each copy.

G A R R E L O C H



SCALE:
0 500 yards.

Plan of the Protected Area at FASLANE



STATUTORY INSTRUMENTS

1973 No. 937

DEFENCE

FASLANE, COULPORT AND RHU NARROWS BYELAWS 1971 (AMENDMENT) BYELAWS 1973

Made 10th April 1973

Coming into operation 23rd July 1973

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), Section 2 of the Defence (Transfer of Functions) Act 1964 (d) and all other powers enabling him in that behalf hereby, with the consent of the Secretary of State for Trade and Industry, makes the following amendment to the Faslane, Coulport and Rhu Narrows Byelaws 1971.

Commencement and Citation

These Byelaws shall come into operation on 23rd day of July 1973 and may be cited as the Faslane, Coulport and Rhu Narrows Byelaws 1971 (Amendment) Byelaws 1973.

Byelaw No. 1(c) The Protected Channel in the Rhu Narrows

for paragraphs (i) and (ii) there shall be substituted the following paragraphs:

- (i) The Protected Channel comprises an area bounded by lines joining the following points as measured from Ardencaple Tower:—
- (aa) 180° (true) distant 7300 feet
 - (bb) 163° (true) distant 7670 feet
 - (cc) 173½° (true) distant 4520 feet
 - (dd) 181½° (true) distant 4540 feet,
- (ii) continuing from the area described in (i), the area of water extending 250 feet on either side of a line joining the following positions:—
- (aa) 176° (true) from Ardencaple Tower distant 4670 feet
 - (bb) 061° (true) from Castle Light Point distant 1360 feet
 - (cc) 215° (true) from Rhu Church Tower distant 3475 feet
 - (dd) 305° (true) from Rhu Church Tower distant 4400 feet

for paragraph (iv) line (cc) Helensburgh Pier, there shall be substituted:—
Craigendoran Pier.

Byelaw No. 5(4) "Exemptions"

After the final word "premises" there shall be added a new sentence

"Vessels passing to or from these premises by sea must pass through the Protected Area by the shortest practicable route"

Dated this 23rd day of March 1973

(Signed) D.J. Chapman

By Order of the Secretary of State for Defence

The Secretary of State for Trade and Industry hereby consents to the making of this amendment.

Dated this 10th day of April 1973

(Signed) J.N. Archer

An Under Secretary of the Department of Trade and Industry