



REVISED BY  
S/ 1986/1337

# Dockyard Port of Rosyth

## 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 Dockyard Port of Rosyth.

# DEFENCE

## Dockyard Port of Rosyth 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 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 (hereinafter referred to as "the Protected Area" and "the Protected Channel") consist of:—

(a) *The Protected Area*

- (i) The area of land situated within the perimeter fences of Her Majesty's Dockyard, Rosyth, including the jetties, walls 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.

(b) *The Protected Channel*

The Protected Channel comprises an area of water extending 250 feet on either side of a line joining the following positions:—

- (aa) 000° (true) from Hound Point Beacon distant 4,080 feet
- (bb) 105° (true) from Beamer Rock Light distant 3,540 feet
- (cc) 105° (true) from Beamer Rock Light distant 1,260 feet
- (dd) 336½° (true) from Beamer Rock Light distant 3,660 feet
- (ee) 000° (true) from South Arm Light distant 750 feet

(a) 55 & 56 Vict. c.43.  
(c) 6 & 7 Eliz. 2 CH.30.

(b) 63 & 64 Vict. c.56.  
(d) 1964 c.15.



- (2) These Byelaws shall, in so far as they apply to the Protected Channel, be in operation only when the Traffic Warning Light at North Queensferry Signal Station (Latitude 56° 00' 26" North, Longitude 03° 23' 18" West) is displayed, the said light showing occulting white every five seconds (on 3 seconds, off 2 seconds). By day the said light will be supplemented by a red rectangular flag with a white diagonal bar hoisted at the flagstaff on the said Signal Station.
- (3) The limits of the Protected Area and the Protected Channel are marked with a thick black line on the plan hereto annexed and identified as "Plan of the Protected Area and the Protected Channel".

#### OFFENCES

2. (1) No person shall enter or leave or attempt to enter or leave the Protected Area 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 the Protected Area 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 at a height less than 100 feet above mean sea level or to be or remain in or upon or over at a height less than 100 feet above mean sea level the Protected Area 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 the Protected Area 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 the Protected Area or to any building or premises within the Protected Area.
- (6) No person shall obstruct any member of the Admiralty Constabulary or any other person acting in the proper exercise of his duty within the Protected Area or the Protected Channel.
- (7) No person shall fail to comply with any notice prohibiting or restricting access to any part of the Protected Area or to any (or part of any) building or premises, jetty, berth, pontoon or other installation or structure (including any floating structure) within the Protected Area.
- (8) No person shall board, climb upon or remain on board any service vessel within the Protected Area 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 the Protected Area or the Protected Channel.

(10) No person shall distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill or notice within the Protected Area 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 the Protected Area 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 or notice board within the Protected Area.

(13) No person shall wilfully soil, deface or mark any wall, structure, floor, pavement or other surface within the Protected Area.

### CONTRAVENTION OF BYELAWS

3. Subject to the provisions of Byelaw 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 Area and the Protected Channel and to take into custody without warrant any person committing an offence against any of the preceding Byelaws numbered 2(1) to 2(13), and to remove from the Protected Area 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 Admiral Superintendent, Her Majesty's Dockyard, Rosyth;
- (c) the Queen's Harbourmaster;
- (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 in Byelaw 4(a) to (c);
- (e) any person authorised in writing by or on behalf of any of the officers mentioned in 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 Admiral Superintendent, Her Majesty's Dockyard, Rosyth, the Queen's Harbourmaster 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 the Protected Area in the ordinary course of air navigation;
  - (c) any part of the Forth Bridges and any vehicle, animal or thing found thereon.
- (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.

#### 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;

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(a) 52 & 53 Vict. c.53.

“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;

“the Queen’s Harbourmaster” means the person for the time being appointed under the Dockyard Ports Regulation Act, 1865, to be Queen’s Harbour Master for Rosyth and any person having authority to act as Queen’s Harbour Master.

7. These Byelaws shall come into operation on the Tenth day of September 1971, and may be cited as the Dockyard Port of Rosyth 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.**

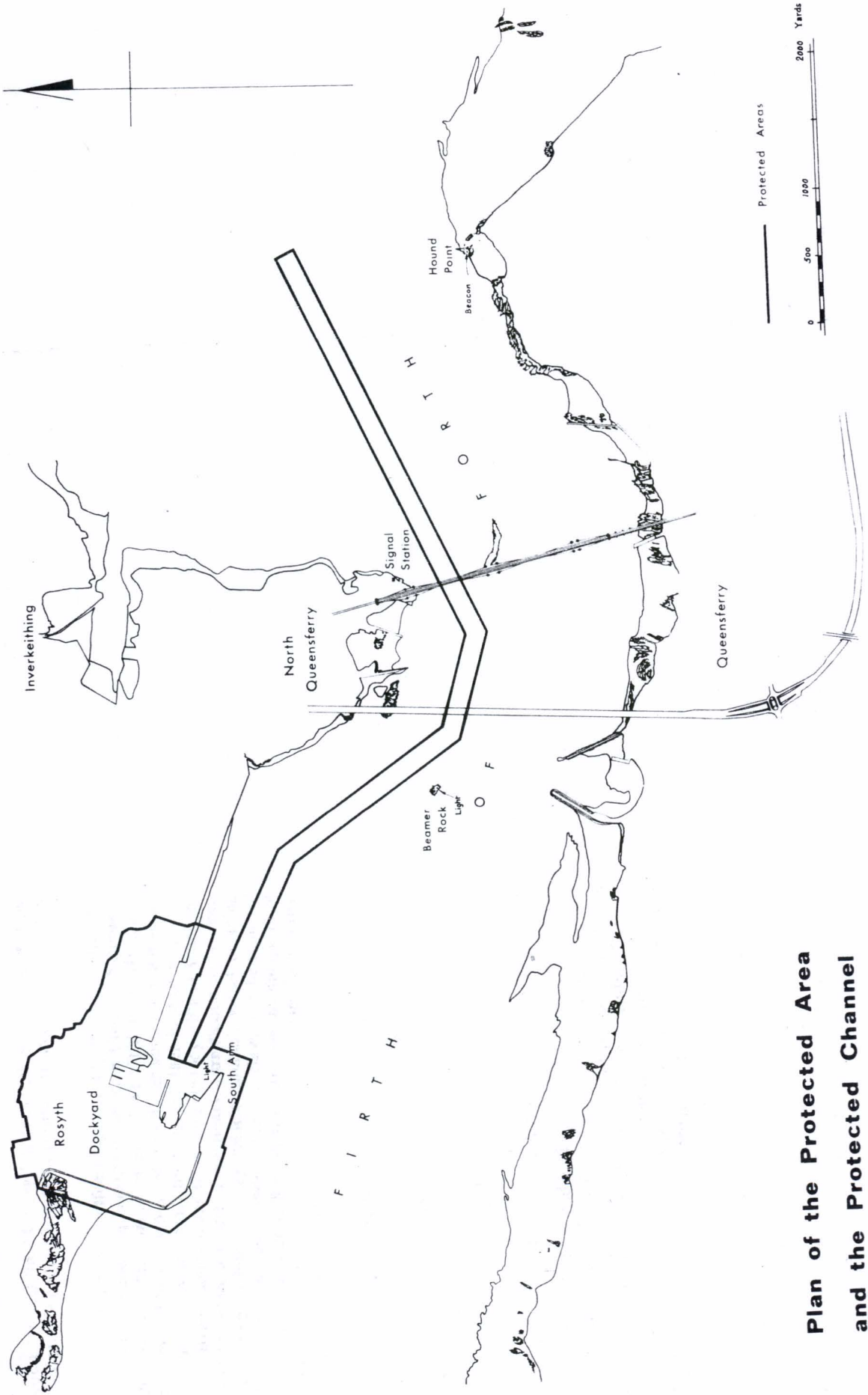
## OPERATION OF BYELAWS

2. The Byelaws affecting the Protected Channel which are in operation when the signals described in Byelaw 1(2) are displayed will only be invoked when it is necessary to carry out the movement of submarines or large Naval vessels within that Channel to or from a Naval establishment within the Dockyard Port.

## INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Protected Area and the Protected Channel may be inspected at the gate of the Dockyard Port of Rosyth. They may also be inspected at the Police Office inside the gate and at the office of the Superintending Defence Land Agent, Ministry of Defence, Lands Office, Donibristle Industrial Estate, Hillend, Dunfermline, Fife, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

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**Plan of the Protected Area and the Protected Channel**