



FASLANE, COULPORT AND RHU NARROWS BYELAWS 1986

Made by the Secretary of State for Defence under the provisions of the Military Lands Act 1892, the Military Lands Act 1900 and the Land Powers (Defence) Act 1958 for regulating the above areas of land and water.

DEFENCE

FASLANE, COULPORT AND RHU NARROWS BYELAWS

1986

Made

4th February 1986

Coming into operation

5th February 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 Lands 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 consists of land and water in the parishes of Rhu and Rosneath (hereinafter referred to as "the Protected Areas", "the Military Lands", and "the Protected Channel").

(a) *The Protected Area at Faslane*

- (i) The area of land situated within and including the perimeter fences of the Clyde Submarine Base including the jetties, floating docks and other waterside installations.
- (ii) An area of water adjoining the said area of land and bounded by a line joining the seaward limit of the landward boundary to the following points:—

Chart 2000

- (aa) Southern extremity of the northern oil fuel jetty Garelochhead (036° Mambeg Light 1317.55 metres),
- (bb) 147½° Mambeg Light 1781.47 metres,
- (cc) 147½° Mambeg Light 2059.83 metres,

(a) 55 & 56 Vict. c.43
 (b) 63 & 64 Vict. c.56
 (c) 6 & 7 Eliz. 2 CH.30

(dd) The Beacon on the High Water Mark (133° Mambeg Light 2375.30 metres).

The above area will be delineated as follows:—

- (a) to the west by the easterly limit of the white sector of the light on the northern oil fuel jetty at Garelochhead,
 - (b) to the southwest by the north easterly limit of the green sector of Mambeg Light,
 - (c) to the south by beacons in transit on the eastern shore (133° Mambeg Light 2375.30 metres).
- (iii) The limits of this area of land and water are marked for convenience of reference 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 Coulport*

- (i) The area of land situated within the perimeter of the Royal Naval Armament Depot, Coulport, and certain other areas, including the fences, jetties and other water-side installations, and marked on the perimeter by signs.
- (ii) An area of water adjoining the said area of land bounded by a line joining the seaward limit of the landward area to the following points:—

Chart 3746

- (aa) The end of the landward boundary (026½° Ravenrock Point Light 4342.34 metres),
 - (bb) 026½° Ravenrock Point Light 3340.26 metres,
 - (cc) 038° Ravenrock Point Light 2041.27 metres,
 - (dd) the end of the landward boundary (050° Ravenrock Point Light 1892.81 metres).
- (iii) The limits of this area of land and water are marked for convenience of reference 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 Castle Point Light:—
 - (aa) 123° distant 1288.99 metres,
 - (bb) 144° distant 1929.93 metres,
 - (cc) 131° distant 2393.85 metres,
 - (dd) 119° distant 1484.56 metres.
- (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) 121° from Castle Point Light distant 1391.78 metres,
 - (bb) 063° from Castle Point Light distant 426.81 metres,
 - (cc) 214½° from Rhu Church Tower distant 1059.10 metres,
 - (dd) 305½° from Rhu Church Tower distant 1336.10 metres.
- (iii) The limits of the Protected Channel are marked for convenience of reference 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 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 Rhu Hard,
 - (cc) in position 55°59.42'N 004° 46.04'W (opposite Green Isle),
 - (dd) at the Navy Buildings, Greenock,
 - (ee) by tugs and patrol craft in the Rhu Narrows, attending the vessel for which the Rhu Channel is closed.

It shall not be a defence to any prosecution in respect of an alleged offence in connection with the Protected Channel that any of the said lights or lights and flags were not displayed at the time of the alleged offences, if the lights or lights and flags not displayed would not have been visible from the point at which the offence occurred.

- (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 the said lights or lights and flags are so displayed.

(d) *The Military Lands in the Rosneath Peninsula*

The area of land shown for convenience of reference by a pecked black line on the plan hereto annexed and identified as "Plan of the Military Lands" and marked on its perimeter by signs.

OFFENCES

2. (1) In respect of the Protected Areas and the Protected Channel no person shall:

- (a) 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.
- (b) 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 6(1).
- (c) 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 6(1).
- (d) 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 5.
- (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 either of the Protected Areas or the Protected Channel or to any building or premises within the Protected Areas.
- (f) intentionally obstructs any person acting in the proper exercise or execution of his duty within either of the Protected Areas or the Protected Channel.
- (g) fail to comply with any notice prohibiting or restricting access to any part of either of the Protected Areas or the Protected Channel 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 or Protected Channel.
- (h) 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 6(1).
- (i) interfere with, or interfere with the movement or passage of any service vessel in either of the Protected Areas or the Protected Channel.
- (j) distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill or notice within the Protected Areas, or affix the same to either side of the perimeter fence without authority or permission given

by or on behalf of one of the persons mentioned in Byelaw 6(1).

- (k) interfere with or remove from 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, or of their agents or contractors.
- (l) wilfully damage, destroy, deface or remove any notice board within the Protected Areas.
- (m) wilfully soil, deface, damage or mark any wall, fence, structure, floor, pavement or other surface within the Protected Areas.

(2) No person shall in respect of the Military Lands, except with the prior permission of any of the officers mentioned in Byelaw 6(1);

- (a) enter on any part of the Military Lands which is enclosed or the entry to which is shown by a notice as being prohibited or restricted, or which are under cultivation or in private occupation;
- (b) ride a horse, bicycle or tricycle or ride, drive or propel a vehicle of any kind otherwise than on the carriageway of a road suitably constructed and made up for general use by vehicular traffic;
- (c) (1) engage in or carry on any trade or business of any description or (2) ride, drive, conduct, use or employ, or cause to be ridden, driven, conducted, used or employed any animal or vehicle of any kind or (3) make or cause to be made any musical or other noise either wholly or mainly for the purpose of trade or advertisement;
- (d) assemble or attempt to assemble or cause to assemble, or bring upon the Military Lands any number of persons for the purpose of a private or public meeting or otherwise, or address any such persons when assembled;
- (e) camp, (whether in tents, caravans or otherwise) bivouac or sleep out;
- (f) deposit refuse, rubble, waste or litter or abandon any vehicle or vehicle part or article;
- (g) damage, cut or remove grass, turves, growing crops, shrubs, trees, timber, wildflower, roots or humus;
- (h) pasture any animal
- (i) pursue, kill, shoot, catch, snare or trap game, fish or other animals, or take or destroy nests or eggs;
- (j) damage, spoil, deface, interfere with or remove any building, wall, fence, gate, post, cattle grid, stores, equipment or ammunition;
- (k) dig or search for any projectile or any lead or other metal, pottery, bottles, or any other thing or interfere

- with or take or retain or be in possession of any projectile or lead or other metal, pottery, bottles or any other thing found within the Military Lands;
- (l) have in his possession any device for detecting metal;
 - (m) affix posters, notices or bills of any description in or on the boundaries, walls or fences or in or on any building or other structure or on any tree, pillar, post, bollard, railing, gate or other erection;
 - (n) take or cause to be taken on the Military Lands any warlike or sporting weapon, ammunition, any explosive or detonator or any part or component of the foregoing;
 - (o) fly or cause to be flown model aircraft;
 - (p) engage in hang-gliding, parascending or kite-flying.
- (3) No person when on the Military Lands shall:
- (a) loiter, or commit any nuisance, or behave in any indecent or unseemly manner;
 - (b) do, or cause or allow to be done any act which is likely to cause nuisance, annoyance or injury to other persons;
 - (c) light fires, drop or leave lighted or live matches or burning cigarette ends or do any act or thing liable to cause an outbreak of fire;
 - (d) fail to keep under control any dog or animal.

WARNING OFF

3. (1) No person shall remain on the Military Lands after having been warned off by an authorised person, authorised under Byelaw 5, or remain thereon after having been so warned off;

(2) No person being the owner or person in charge or for the time being in charge of any animal, vehicle, aircraft or thing upon the Military Lands, shall permit the same to remain upon the Military Lands after having been warned to remove the same by an authorised person.

CONTRAVENTION OF BYELAWS

4. Subject to the provisions of Byelaw 6

(1) It shall be an offence for any person to do anything prohibited by or otherwise in contravention of any provision of Byelaw 2 or 3.

(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

5. The following persons are hereby authorised to remove from the Protected Areas, the Protected Channel and Military Lands and to take into custody without warrant any person committing an offence against Byelaw 2 or 3 and to remove from the Protected Areas, the Protected Channel and Military Lands any vehicle, animal, aircraft, vessel or thing whatsoever found therein in contravention of any of the said Byelaws:

- (a) the Commander-in-Chief Naval Home Command;
- (b) the Flag Officer, Scotland and Northern Ireland;
- (c) the Flag Officer, Submarines;
- (d) the Commodore, Clyde;
- (e) the Queen's Harbour Master Clyde Dockyard Ports;
- (f) the Superintendent, Royal Naval Armament Depot, Coulport;
- (g) General Officer Commanding, Army Headquarters, Scotland;
- (h) Commander 52nd Lowland Brigade;
- (i) Commandant Garelochhead Training Area;
- (j) 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 5(a) to (i);
- (k) any person being a Crown Servant authorised in writing by or on behalf of any of the officers mentioned at Byelaw 5(a) to (i);
- (l) any constable including any constable under the control of the Defence Council.

EXEMPTIONS

6. (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, Commander in Chief Naval Home Command, the Flag Officer Scotland and Northern Ireland, the Flag Officer Submarines, the Commodore, Clyde, the Queen's Harbour Master, the Superintendent, Royal Naval Armament Depot, Coulport, General Officer Commanding, Army Headquarters, Scotland, Commander 52nd Lowland Brigade, Commandant Garelochhead Training Area, 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 service vessel or service aircraft;

(b) any aircraft passing over the Protected Areas, Protected Channel or the Military Lands 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 their part.

(4) These Byelaws shall not apply in the Protected Area at Faslane to any person, vessel, vehicle, or thing proceeding to or from or at the premises of Timbcraft Ltd in connection with the business of this firm, or the successor to this firm carrying on business of a similar nature at the said premises, or as directed by the Queen's Harbour Master.

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).

INTERPRETATION

8. In these Byelaws

“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 purpose of Her Majesty's Forces;

“vehicle” means a vehicle of any description and includes a machine or implement or any kind drawn or propelled along roads (whether or not by mechanical power);

“carriageway” has the same meaning as in the Roads (Scotland) Act 1984.

COMMENCEMENT, CITATION AND REVOCATION

9. (1) These Byelaws shall come into operation on the 5th day of February 1986, and may be cited as the Faslane, Coulpport and Rhu Narrows Byelaws 1986.

(2) The Faslane, Coulport and Rhu Narrows Byelaws 1971(d) and the Faslane, Coulport and Rhu Narrows Byelaws 1971 (Amendment) 1973(e) are hereby revoked.

Dated this 20th day of December 1985.

(Signed) TREFGARNE

(3) The Secretary of State for Transport hereby consents to the making of these Byelaws.

Dated this 4th day of February 1986

(Signed) J. R. WELLS

An Assistant Secretary in the Department of Transport

NOTICES

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

OPERATION OF BYELAWS

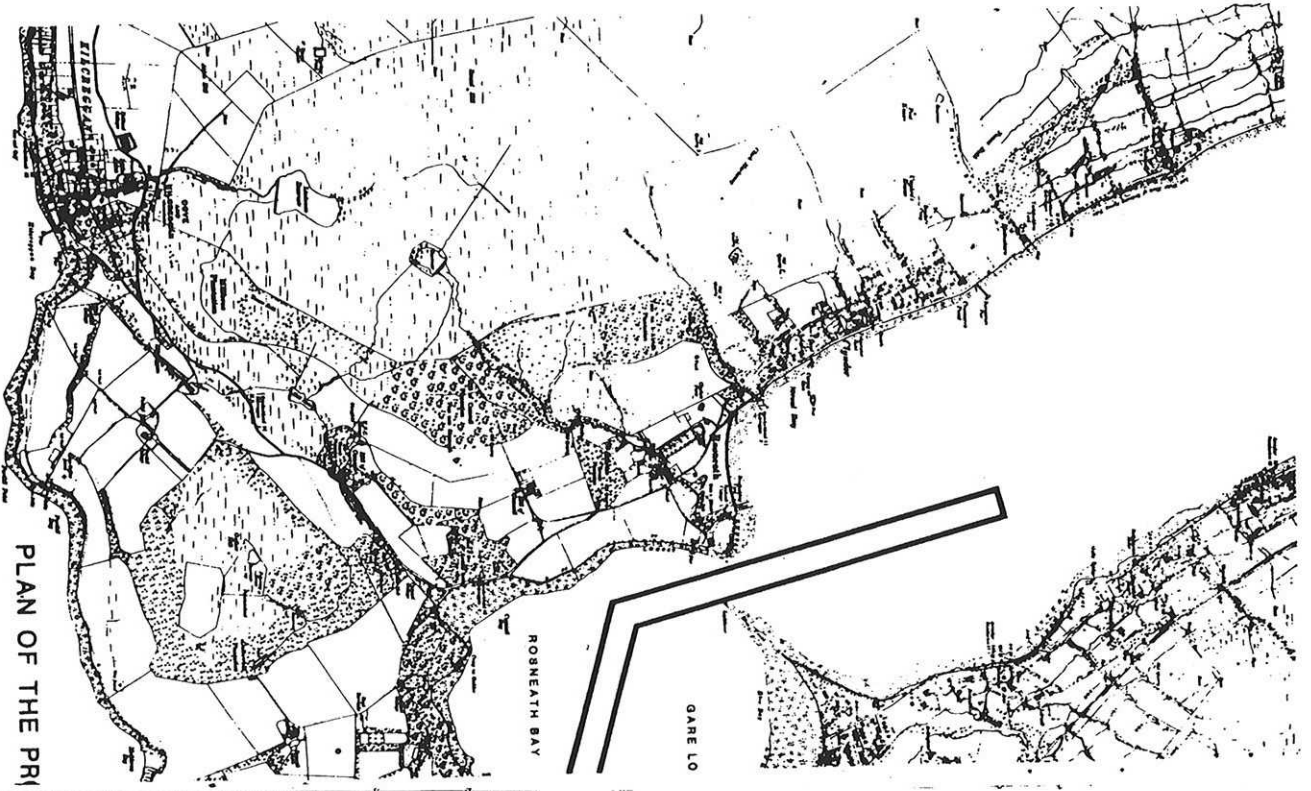
1. The Byelaws affecting the Protected Channel come into operation for the periods during which the lights or lights and flags described in Byelaw 1(1)(c)(iv) are displayed. The conditions under which the lights or lights and flags may be displayed are those prescribed in the Clyde Dockyard Port of Gareloch 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 nuclear submarines or large service vessels.

INSPECTION OF BYELAWS AND PLAN

2. A copy of the Byelaws and a plan showing the Protected Areas, Protected Channel and Military Lands to which they apply may be inspected at the following Post Offices:

1. 16 Colquhoun Square
Helensburgh
2. Shore Road
Kilcreggan
3. The Fairway
Garelochhead
4. Rhu

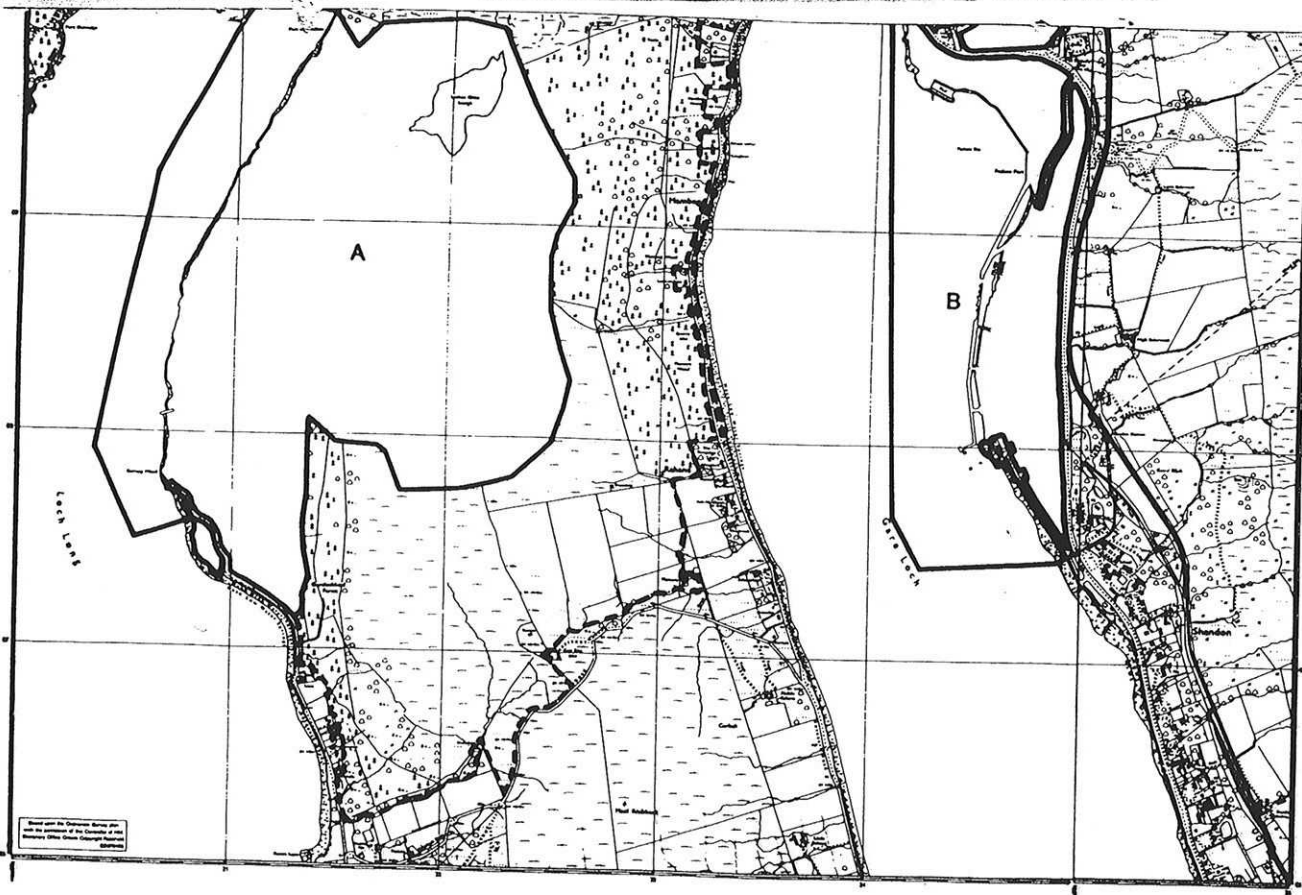
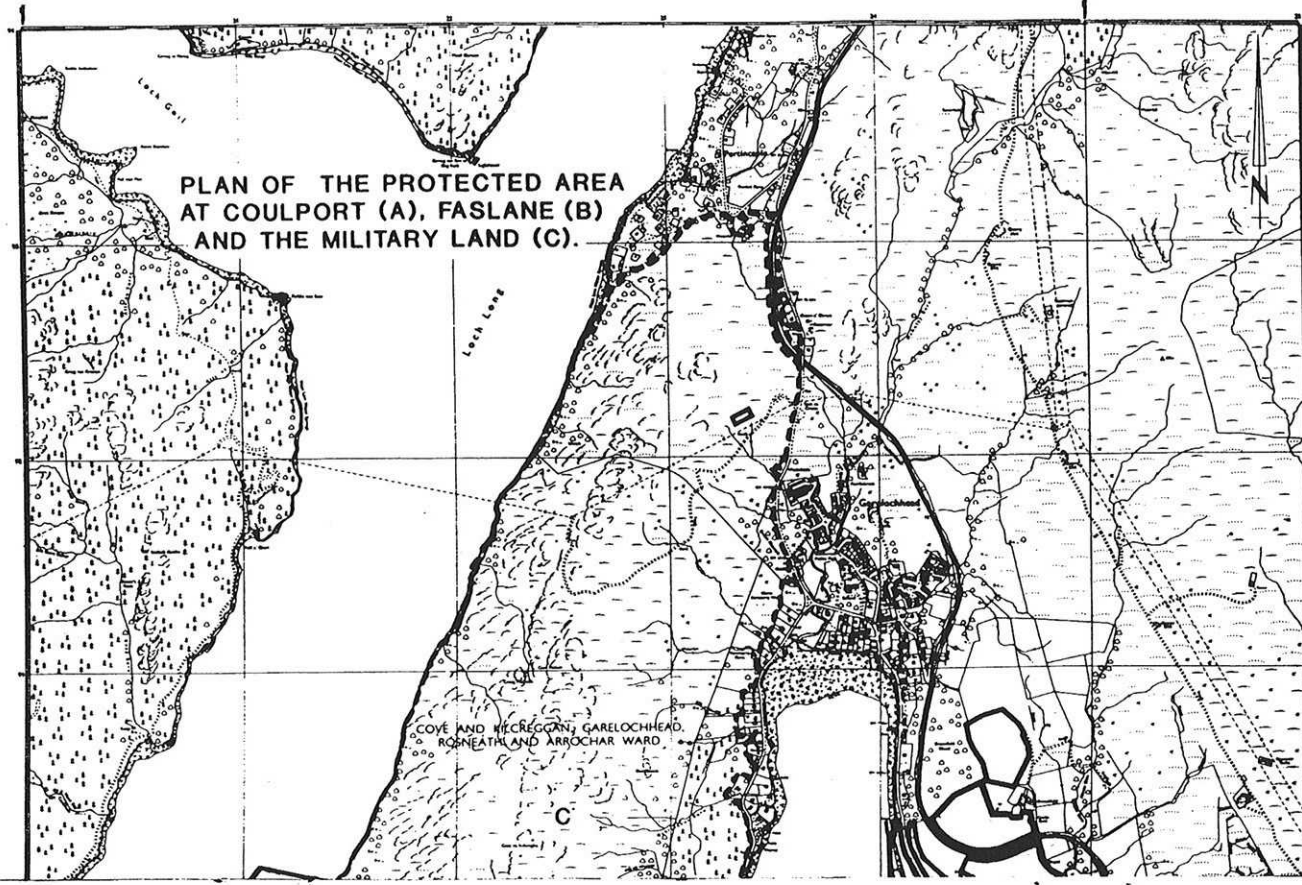
The Byelaws may also be inspected and copies obtained from the Area Estate Surveyor, Property Services Agency, Area Estate Office, Montrose House, 187 George Street, Glasgow.



Scale: 1:50,000
 Date: 1950
 Author: [illegible]

PLAN OF THE PROTECTED AREA
AT COULPORT (A), FASLANE (B)
AND THE MILITARY LAND (C).

COVE AND MCREGGAN, GARELOCHHEAD,
ROSENEATH AND ARROCHAR WARD.



Approved for the purposes of the...
under the provisions of the...
of the...
of the...

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.