STATUTORY RULES OF A GENERAL CHARACTER ISSUED IN 1986

1986 No. 1

LOUGH ERNE NAVIGATION

Lough Erne (Navigation) (Amendment) Bye-laws (Northern Ireland) 1986

Made	*3rd January 1986*
Coming into operation . . .	*24th February 1986*

The Department of Agriculture in exercise of the powers conferred on it by Article 41 of and Schedule 7 to the Drainage (Northern Ireland) Order 1973(**a**) and of every other power enabling it in that behalf, hereby makes the following Bye-laws:

Citation and commencement

1. These Bye-laws may be cited as the Lough Erne (Navigation) (Amendment) Bye-laws (Northern Ireland) 1986 and shall come into operation on 24th February 1986.

Amendment of the Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978

2. The Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978(**b**) shall be amended as follows:

(1) in Bye-law 2 (Interpretation)—

(*a*) after the definition of ''the Department'' there shall be inserted the following definitions—

'' ''event'' means regatta, race or other organised meeting of vessels or boats for the purpose of competition or display;

''licensed fish farming'' means fish farming licensed by the Department under Section 11 of the Fisheries Act (Northern Ireland) 1966(**c**);''

(*b*) after the definition of ''master'' there shall be inserted the following definition—

'' ''motorised skimmer'' means a driver mounted vessel or boat which skims through the water and relies on the operation of its engine to provide stability and manoeuvrability;'';

(2) for Bye-law 3 (Licensing and numbering of passenger vessels) there shall be substituted—

''3. No person shall moor or navigate or authorise or cause to be moored or navigated or assist in mooring or navigating on Lough Erne any passenger vessel (excepting those carrying more than 12 passengers which are subject to the Department of Transport regulations requiring a Department of Transport Passenger Certificate) unless that passenger vessel is licensed pursuant to these Bye-laws and displays conspicuously forward on each side an identification number allocated by the Department; and the figures of the number shall be not less than 75 millimetres in height and of a contrasting colour to the background colour.'';

(3) for Bye-law 9 (Numbering and registration of vessels other than passenger vessels) there shall be substituted—

(**a**) S.I. 1973/69 (N.I. 1)
(**b**) S.R. 1978 No. 43 as amended by S.R. 1979 No. 332
(**c**) 1966 c. 17 (N.I.)

"9.—(1) Subject to paragraph (2) and to the provisions of these Bye-laws no person shall moor or navigate or authorise or cause to be moored or navigated or assist in mooring or navigating on Lough Erne any vessel other than a passenger vessel unless that vessel has been registered with the Department for that purpose and displays conspicuously forward on each side an identification number allocated by the Department; and the figures of the number shall be not less than 75 millimetres in height and of a contrasting colour to the background colour.

(2) Paragraph (1) shall not apply to a vessel which is engaged solely in lawful commercial fishing or to a vessel, including cot, barge or pontoon which is engaged solely in the transportation of livestock, plant or materials.";

(4) for Bye-law 12 (Specifications on construction of and equipment in vessels) there shall be substituted—

"12. Save as therein provided every vessel shall comply with the requirements of Part I of Schedule B.";

(5) in Bye-law 13 (Vessels to have a good and efficient means of reversing) after the word "vessel" there shall be inserted the words "other than a motorised skimmer";

(6) after Bye-law 13 there shall be inserted—

"13A. No motorised skimmer shall navigate Lough Erne unless its engine is fitted with a safety mechanism, which causes the engine to stop should the driver be separated from the craft.";

(7) for Bye-law 16 (Propellors or other form of propulsion unit not to cause damage) there shall be substituted—

"16. No vessel or boat shall have its propellor or propellors turning, or other form of propulsion unit operating at such speed or thrust as to cause damage to any lock, quay, jetty, wharf, weir, river bank or other such works or to any other vessel or boat.";

(8) for Bye-law 17 (Specifications as to navigation lights) there shall be substituted—

"17.—(1) From sunset to sunrise a vessel or boat navigating Lough Erne and not exhibiting such lights as are mentioned in paragraph (2) shall carry a lighted lantern or electric torch to display in time to prevent collision.

(2) The lights referred to in paragraph (1) are either—

(*a*) a set of lights comprising—

(i) on the mast or at a height of not less than 1.20 metres above the hull a bright white light;

(ii) on the starboard side a green light;

(iii) on the port side a red light; and

(iv) on the stern a white light; or

(*b*) a combined lantern showing green to starboard and red to port, together with an all round white light carried above this combined lantern.";

(9) Bye-law 18 (Duty to anchor or moor in restricted visibility) is hereby revoked;

(10) for Bye-law 21 (Action to be taken when a vessel or boat is stopped on Lough Erne) there shall be substituted—

"21. Any master who stops a vessel or boat on Lough Erne shall ensure that a proper look-out is maintained except where that vessel or boat is moored or anchored.";

(11) for Bye-law 25 (which relates to speed limits) there shall be substituted—

"25. Subject to the provisions of Bye-law 25A a master shall not drive or cause to be driven any vessel or engine-propelled boat at a speed in excess of 5 knots (through the water) at the following locations:

(*a*) the stretch of waterway extending from a point 200 metres upstream of Carrybridge to a point 550 metres downstream of Carrybridge;

(*b*) the stretches of waterway extending from Portora Sluice Gates to the Pumping Station building on the left bank of the River Erne situated 2,600 metres upstream;

(*c*) the stretch of waterway extending from a point 800 metres upstream to a point 260 metres downstream of the old railway bridge at Ardhowen;

(*d*) the stretch of waterway extending from a point 275 metres upstream to a point 690 metres downstream of the public slipway at Bellanaleck;

(*e*) the stretch of waterway extending from the mouth of the Kesh River to the road bridge in Kesh Village;

(*f*) that part of Lough Erne to the east of an imaginary line extending from the western extremity of Tom's Island to Rossbeg Point; and

(*g*) the stretch of waterway within the area enclosed by the harbour at Castle Archdale and extending to a point adjacent to the white cairn on the western promontory at the harbour entrance.";

(12) after Bye-law 25 there shall be inserted—

"25A.—(1) Bye-law 25 shall not apply to vessels or boats taking part in an event at the locations mentioned in paragraph (*b*) or (*f*) of Bye-law 25 where that event involves speeds in excess of 5 knots and has been approved by the Department.

(2) The organiser of any event in respect of which the Department's approval is sought—

(i) shall ensure that third party liability insurance is arranged for the event in a sum of not less than £500,000;

(ii) shall submit to the Department, not less than 72 hours prior to the commencement of the event, proof of such insurance; and

(iii) shall complete and lodge with the Department not less than 3 weeks prior to the proposed date of the event an application as in Form 3 of Schedule A.

(3) Without prejudice to the generality of Bye-law 36(2), the Department may in the interests of safety require modifications in the timing or siting of any event in respect of which its approval is sought.

(4) In this Bye-law where a club, school or organisation intends to hold an event, "the organiser" means the secretary or administrative officer of such a club, school or organisation.";

(13) Bye-law 35 (Use or hoisting of sails near movable bridges or locks) is hereby revoked;

(14) for Bye-law 36 (Regattas, races and other events) there shall be substituted—

"36.—(1) The secretary or administrative officer of a club, school or other organisation intending to hold an event on Lough Erne, other than an event mentioned in Bye-law 25A(1), or an individual intending to hold such an event, shall not less than 3 weeks in advance, notify the Department of such intention giving adequate details in relation to location, date, timing and type of event.

(2) The Department may in the interests of safety require modifications in the timing or location of an event.";