1978 No. 43

LOUGH ERNE NAVIGATION

Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978

Made . . . . . 10*th February* 1978

Coming into operation . . . 1*st April* 1978

The Department of Agriculture(a) in exercise of the powers conferred on it by Article 41 and Schedule 7 of the Drainage (Northern Ireland) Order 1973(b) hereby makes the following Bye-laws:—

Citation and commencement

1. These Bye-laws may be cited as the Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978 and shall come into operation on 1st April 1978.

Interpretation

2. For the purpose of these Bye-laws:—

"authorised official" means any person authorised by the Department of Agriculture to act on behalf of the Department;

"boat" means any open or decked punt, canoe, skiff, scull, row boat, dinghy or other such craft propelled by oars or sail or by an engine not exceeding 10 BHP;

"the Department" means the Department of Agriculture;

"Lough Erne" means Upper and Lower Lough Erne and such portions of the River Erne and the tributaries of the Loughs as are in Northern Ireland and including all locks, quays, jetties, harbours and canals;

"master" when used in relation to any vessel or boat means any person for the time being in command, charge or management or in physical control thereof;

"passenger vessel" means any vessel used to carry people for reward or hired out for pleasure cruising;

"port side" means the side of the vessel or boat which is on the left hand when facing towards the front of the vessel or boat;

"public mooring" means any place provided by the Department or any other public authority where the general public is permitted to moor vessels or boats but excluding any mooring place provided by the Department or a public authority and leased or licensed to private persons;

"starboard side" means the side of the vessel or boat which is on the right hand when facing towards the front of the vessel or boat;

"vessel" means any craft propelled by an engine in excess of 10 BHP.

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8
(b) S.I. 1973/69 (N.I. 1)

Licensing and numbering of passenger vessels

3. No person shall navigate or authorise or cause to be navigated or assist in navigating on Lough Erne any passenger vessel (excepting those carrying more than 12 passengers which are subject to the Department of Trade regulations requiring a Department of Trade Passenger Certificate) unless that passenger vessel is licensed pursuant to these bye-laws and displays conspicuously on each side of the bow an identification number allocated by the Department. The figures of the number shall be not less than 1 decimetre in height and of a contrasting colour to the background colour.

4.—(1) Any owner applying to licence a passenger vessel shall complete and lodge with the Department an application in Form 1 of Schedule A or in a form to like effect and the Department shall subject as hereinafter provided issue to the owner a licence disc which shall be displayed in a conspicuous position on the said vessel.

(2) Any licence issued hereunder shall unless revoked under sub-paragraph (3) expire on 31st December next after the date of issue thereof but shall be renewable; and this bye-law shall apply to the renewal of a licence as it applies to the grant thereof.

(3) The Department may refuse to licence a passenger vessel or may revoke or refuse to renew a licence if the passenger vessel concerned does not comply with the requirements of Schedule B.

(4) Where the Department refuses to issue a licence or revokes or refuses to renew a licence the owner of the passenger vessel concerned may appeal to such person other than an officer or employee of the Department as the Department shall appoint for the purpose.

(5) Pending the determination of the appeal the passenger vessel shall remain unlicensed.

5. On each transfer of ownership of a passenger vessel the previous owner shall notify the Department of the change of ownership and shall lodge the current licence with the Department for notation.

6. Every passenger vessel shall carry third party liability insurance of not less than £50,000.

7. Every passenger vessel shall comply with the specifications on construction and equipment outlined in Schedule B.

8. The owner or master of a passenger vessel shall permit an authorised official to board and inspect the said vessel prior to the issue or renewal of a licence for the purpose of ascertaining that the specifications on construction and equipment outlined in Schedule B hereto have been complied with.

Numbering and registration of vessels other than passenger vessels

9. Save as hereinafter provided no person shall navigate or authorise or cause to be navigated or assist in 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 on each side of the bow an identification number allocated by the Department. The figures of the number shall be not less than 1 decimetre in height and of a contrasting colour to the background colour.

10. Any person applying to register a vessel shall complete and lodge with the Department an application in the Form 2 of Schedule A or in a form to like effect.

11. Any person on selling a vessel already registered with the Department shall forthwith advise the Department of the change of ownership.

12. Save as therein provided every vessel shall comply with the requirements of Part IV and Part V of Schedule B hereto.

General requirements relating to vessels and boats

13. No vessel shall navigate Lough Erne unless its engine is fitted with a good and efficient means of reversing.

14. The engine of a vessel or boat shall be fitted with an effective method of silencing and the owner thereof shall take all reasonable care to prevent the emission of offensive exhaust fumes therefrom.

15. A vessel or boat shall be equipped with sufficient fenders to prevent damage to any lock, quay, jetty, wharf or other such works and to other vessels and boats.

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.

17. From sunset to sunrise any vessel navigating Lough Erne shall display lights as follows:—

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

(2) on the starboard side a green light;

(3) on the port side a red light;

(4) on the stern a white light.

18. In fog, mist, falling snow, heavy rainstorms or any other conditions materially restricting visibility, whether by day or night vessels or boats other than those equipped with radar shall where practicable anchor or moor until visibility has improved to such an extent as to permit safe navigation.

Mooring of vessels and boats

19. No master or owner shall permit a vessel or boat to remain moored at or in the vicinity of any public mooring for a continuous period in excess of 48 hours save that a new period of 48 hours shall be deemed to commence following an absence from the mooring for a period of four hours or more.

20. No vessel or boat shall moor in any part of Lough Erne in such a manner as to cause or be likely to cause nuisance, injury or damage to persons or property or to other vessels or boats whether at anchor, moored in or navigating Lough Erne and the owner or master of any vessel or boat so moored shall immediately remove same on being ordered to do so by an authorised official excepting where weather conditions prevent such removal.

21. Any master who has occasion to stop a vessel or boat on Lough Erne shall have such vessel or boat securely moored save that when mooring is precluded by the depth of water or the vessel or boat is required to drift for the purpose of fishing the master shall ensure that the vessel or boat does not become a danger to other vessels or boats.

22. All vessels other than open vessels or vessels of less than 6 metres overall length shall be equipped with bow and stern mooring lines appropriate to the tonnage and length thereof and shall carry at least one good and sufficient anchor appropriate to the tonnage of such vessels with chain, cable, warp or hawser. Anchors with their chains, cables, warps or hawsers shall be stowed in such positions and shall have such other equipment as shall allow them to be dropped or weighed quickly. All such anchors, chains, cables, warps, hawsers and other such equipment shall on demand be produced for inspection to the Department.

23. From sunset to sunrise any vessel or boat aground off shore in Lough Erne and any vessel or boat anchored or moored other than at a public or private mooring place, shall display a bright white light of such character as to be visible in every direction over the water to a distance of 0.8 kilometres in clear weather conditions.

24. No vessel or boat shall be tied to or moored at any buoy, beacon, perch or pile marking the navigation nor tied to or near any sluice, weir, lock gate, fish pass, crane, bridge or similar object or any part thereof.

Speed limits and behaviour on the navigation

25. No master shall 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:—

(1) the stretch of waterway extending 550 metres from Carrybridge northwards towards Enniskillen;

(2) the stretch of waterway extending from Portora Sluice Gates to an imaginary line opposite an area of bank known locally as "The Foxholes";

(3) the stretch of waterway between the old railway bridge at Ardhowen and a point at the upstream end of the jetty at the Killyhevlin Hotel;

(4) the stretch of waterway from a point approximately 275 metres upstream to a point 690 metres downstream of the public slipway at Bellanaleck.

26. Any master who with a vessel or boat approaches any lock, which at that time is not ready to be navigated shall hold off such vessel or boat a reasonable distance from the lock and shall keep it so located until the lock is ready for its reception.

27. The speed of a vessel or boat entering a lock shall be so lessened as to prevent the vessel or boat or any part thereof striking against the lock or any part thereof and when in the lock the vessel or boat shall be properly moored in the manner required by the lock-keeper.

28. The master of a vessel or boat shall not attempt to navigate any lock unless the draught of the said vessel or boat shall allow at least 75 millimetres of water between the keel and the cill of such lock, or through any bridge, the headroom of which does not permit the clear passage of such vessel or boat.

29. No master shall cause or allow a vessel or boat to be run or kept abreast of another vessel or boat on narrow or restricted channels when a vessel or boat approaching from the opposite direction is in sight or save in the case of races and regattas and for towing purposes when a vessel or boat is overtaking from astern and in such instances the vessel or boat which is nearer to the side of the channel on which the approaching or overtaking vessel or boat ought to pass shall be stopped or slowed as necessary and brought astern of the other in time to prevent collision or delay.

30. Vessels or boats proceeding in opposite directions along the same channel shall pass port to port. Where two vessels or boats are converging on one another so as to involve risk of collision the one which has the other on its starboard side shall give way.

31. Where a channel is restricted by width or depth so that only one vessel or boat may pass:—

(1) Vessels or boats navigating upstream shall give way to vessels or boats navigating downstream.

(2) A master of a vessel or boat who is in any doubt as to whether his vessel or boat is navigating with or against the current shall give way to any vessel or boat navigating in the opposite direction.

32.—(1) Notwithstanding anything contained in these bye-laws, every vessel or boat overtaking any other vessel or boat shall keep out of the way of the vessel or boat being overtaken.

(2) A vessel or boat shall be deemed to be overtaking when coming up with another vessel or boat from a direction more than 22.5° abaft its beam, i.e., in such a position with reference to the vessel or boat being overtaken that at night only the stern light of that vessel or boat but neither of its side lights can be seen from the vessel or boat overtaking.

(3) When the master of a vessel or boat is in any doubt as to whether it is overtaking another, he shall assume that this is the case and act accordingly.

(4) Any subsequent alteration of the bearing between the vessel or boat overtaking and the vessel or boat being overtaken shall not relieve the master of the overtaking vessel or boat of his duty of keeping clear of the overtaken vessel or boat until the overtaking vessel or boat is finally past and clear.

33. A vessel or boat under power shall give way to boats under sail only, except where the boat under sail only is deemed to be the overtaking boat.

34.—(1) When a boat under sail is approaching another so as to involve risk of collision one shall give way to the other as follows:—

(*a*) when each has the wind on a different side, the boat which has the wind on the port side shall give way to the other;