
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART VIII

ROAD FERRIES

Interpretation of this Part

98.—(1) In this Part—

“equipment” includes machinery, plant, apparatus and appliances;

“ferry landing place” means a place where vehicles, persons or goods may embark on or disembark from or (as the case may be) be loaded on or unloaded from a ferry vessel;

“ferry vessel” means a vessel used in the provision of a road ferry service;

“harbour authority” means any person in whom are vested, under any statutory provision other than this Part, functions of improving, maintaining or managing a harbour (within the meaning of the Harbours Act (Northern Ireland) 1970^{F1};

“road ferry service” means a service for conveying vehicles, persons and goods by means of a vessel from a place on or near a road across water to another place on or near a road;

“road ferry undertaking” means the vessels, land, equipment, rights and other assets held for the purposes of, or in connection with, the provision of a road ferry service;

“vessel” includes a hovercraft within the meaning of the Hovercraft Act 1968^{F2}.

(2) For the purposes of this Part a ferry vessel or ferry landing place belongs to a road ferry service if it is used in the provision of that service.

(3) References in this Part (except Article 100) to a road ferry service are to a road ferry service provided by the Department under Article 99(1) or provided on behalf of the Department by another person in pursuance of any agreement under Article 99(2).

F1 1970 c. 1 (N.I.)

F2 1968 c. 59

Provision of road ferry services by, or on behalf of, the Department

99.—(1) Subject to the provisions of this Part, the Department may provide such road ferry services as it thinks fit.

(2) The Department may enter into an agreement with any person (“the operator”) for the provision by that person on behalf of the Department of any road ferry service.

(3) An agreement under paragraph (2)—

(a) may provide for the leasing to the operator of any road ferry undertaking owned by the Department or any part thereof specified in the agreement;

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(b) may contain such other terms and conditions as appear to the Department to be necessary to ensure the safe and proper provision of the road ferry service.

(4) Except as provided by paragraph (5), where an agreement under paragraph (2) is in force, the operator shall, in relation to any road ferry service to which the agreement relates, have the same powers and duties and be subject to the same restrictions, liabilities and obligations as the Department has, or is subject to, in relation to a road ferry service provided by it.

(5) Paragraph (4) does not apply to—

- (a) the power to issue directions under Article 101;
- (b) the power to make byelaws under Article 102;
- (c) the power to carry out works under Article 105;
- (d) the power to dredge under Article 108;
- (e) the power to acquire land under Article 110;
- (f) any other power, duty, restriction, liability or obligation excepted from that paragraph by an agreement under paragraph (2),

and any such power, duty, restriction, liability or obligation shall accordingly remain that of the Department alone.

(6) For the purposes of this Part the power to provide a road ferry service includes power—

- (a) to establish, operate and manage that service;
- (b) to provide vessels, buildings, equipment, facilities, amenities and services for the purposes of, or in connection with, that service;
- (c) to maintain, operate, manage, repair, extend, alter, improve and renew anything mentioned in sub-paragraph (b); and
- (d) to do anything which is necessary or appropriate for the purposes of, or in connection with, that service or which is incidental or ancillary to the provision of that service.

Road ferry services provided otherwise than by, or on behalf of, the Department

100.—(1) The Department may enter into an agreement with the owner of any road ferry undertaking for the transfer to the Department, on such terms as may be agreed between the Department and the owner, of that road ferry undertaking.

(2) Paragraph (1) shall have effect notwithstanding anything to the contrary in any local Act of Parliament or other instrument relating to the road ferry undertaking in question and any such Act or instrument shall, to the extent that it is inconsistent with any provision of this Part, cease to have effect on the date on which that undertaking is transferred to the Department under this Article.

(3) The Department may assist, financially or otherwise, the provision by any other person of a road ferry service.

(4) Assistance under paragraph (3) shall be given on such terms and conditions as the Department thinks fit.

Charges for road ferry services

101.—(1) There shall be payable in respect of the conveyance of vehicles, persons and goods on a ferry vessel belonging to a road ferry service such charges as may be specified in relation to that road ferry service in directions in writing issued by the Department in accordance with paragraphs (3) and (4).

(2) A notice setting out the charges for the time being specified in directions under paragraph (1) in relation to a road ferry service shall be exhibited by the Department in a conspicuous place—

- (a) in the vicinity of each ferry landing place belonging to that road ferry service; and
 - (b) on each ferry vessel belonging to that road ferry service.
- (3) Where it proposes to issue directions under paragraph (1) in relation to a road ferry service, the Department shall—
- (a) publish in at least one newspaper circulating in the locality in which the road ferry service is provided a notice—
 - (i) stating the effect of the proposed directions; and
 - (ii) stating that, within such period as may be specified (not being a period of less than 30 days from the date of the publication of the notice) any person may by notice to the Department inform it of the grounds upon which he objects to the issuing of the directions;
 - (b) consider any objections received by it before the expiration of the period referred to in sub-paragraph (a); and
 - (c) if it appears to the Department to be appropriate to do so, cause a local inquiry to be held.
- (4) After considering—
- (a) any objections to the proposed directions; and
 - (b) where a local inquiry is held, the report of the person who held it,

the Department may issue the directions, either without modifications or subject to such modifications as the Department thinks fit.

(5) Any person who, with intent to defraud, travels on any ferry vessel without paying the charge payable by him in accordance with this Article, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Byelaws in connection with road ferry services

102.—(1) The Department may make byelaws for any purpose in connection with the operation or management of a road ferry service, and in particular (but without prejudice to the generality of the foregoing) for all or any of the following purposes, namely—

- (a) for protecting persons, vehicles and goods on ferry vessels or land forming part of the road ferry undertaking from injury or damage;
 - (b) for protecting vessels, land, equipment and other property forming part of the road ferry undertaking from damage;
 - (c) for regulating the conduct of persons (including persons employed for the purposes of the road ferry service) on ferry vessels or land forming part of the road ferry undertaking;
 - (d) for regulating the embarkation, conveyance and disembarkation of persons, vehicles and goods;
 - (e) for maintaining order on ferry vessels and land forming part of the road ferry undertaking and preventing obstruction to the operation of the road ferry service.
- (2) Any person who contravenes a byelaw made under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Before making any byelaws under this Article the Department shall publish in at least two newspapers circulating in the locality in which the road ferry service is provided a notice—
- (a) stating the intention of the Department to make the byelaws; and
 - (b) specifying a place in that locality where a copy of the proposed byelaws may be inspected by any person free of charge at all reasonable hours during the period of 30 days from the date of the last publication of the notice.

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(4) The Department shall not make the byelaws before the expiration of the period mentioned in paragraph (3)(b).

Duty to provide timetable for, and notify disruption of, road ferry service

103.—(1) The Department shall publish in such manner as it thinks fit a timetable in connection with each road ferry service.

(2) Where for any reason it is necessary for the Department temporarily to discontinue or reduce a road ferry service, the Department shall—

- (a) before any such discontinuance or reduction occurs, publish notice of the discontinuance or reduction in at least one newspaper circulating in the locality in which the road ferry service is provided; and
- (b) during the period when the road ferry service is discontinued or reduced, place such signs on roads in that locality as appear to the Department to be necessary to warn persons using those roads of the discontinuance or reduction.

(3) Paragraph (2)(a) does not apply where, by reason of an emergency or other circumstances, it is impractical for notice to be given in accordance with that provision.

Use of road ferry undertaking for other purposes

104.—(1) The Department may, to such extent as it thinks consistent with the requirements of a road ferry service—

- (a) use any ferry vessel or other vessel belonging to that service; or
- (b) permit the use by any other person of any such vessel,

for any other purpose in the locality in which that road ferry service is provided.

(2) The Department may by directions in writing specify the charges to be paid in respect of the use of a vessel under paragraph (1) and the use of a vessel under that paragraph shall be subject to such other terms and conditions as the Department thinks fit.

Power of Department to carry out works

105.—(1) Subject to paragraphs (2) to (4), the Department may carry out such works as it considers appropriate for the purposes of, or in connection with, a road ferry service or the exercise of its functions under this Part.

(2) It shall be the duty of the Department, before carrying out any works within the limits within which a harbour authority may exercise its functions to consult with that authority and to take account of any representations made to the Department by that authority so as to ensure that the carrying out of those works causes the minimum interference to the property of that authority or to the exercise by that authority of its functions.

(3) The Department shall not construct, alter or extend any tidal work, except with the consent of—

- (a) the Secretary of State; and
- (b) the Crown Estate Commissioners,

and subject to any conditions imposed by the Secretary of State or those Commissioners before the work is begun.

(4) Schedule 6 shall have effect in relation to any tidal work which is, or is to be, constructed, altered or extended by the Department.

(5) In this Article and Schedule 6—

“the Secretary of State” means the Secretary of State concerned with navigation;

“tidal work” means any work, or part of any work, which is on, under or over any land which is below the level of mean high water springs.

Application of 1847 Act to certain ferry landing places

106.—(1) The Harbour, Docks and Piers Clauses Act 1847^{F3} (except sections 6 to 13, 15 to 24, 37 to 42, 45, 49, 50, 54, 55, 66 to 68, 79 to 82, 84 to 90, 92, 97 and 98) shall, subject to the following provisions of this Article, apply to a ferry landing place which is not situated within, or immediately adjacent to waters within, the limits within which a harbour authority may exercise its functions as if—

- (a) it were a harbour constructed in pursuance of an Act which incorporated that Act;
- (b) this Part were the special Act for the purposes of that Act;
- (c) the Department were the undertakers for those purposes;
- (d) references to “the prescribed limits” were references to the limits specified under paragraph (2),

and references in the following provisions of this Article and in Article 107 to the 1847 Act are references to that Act as applied by this paragraph.

(2) The Department may by order specify in relation to a ferry landing place mentioned in paragraph (1) the limits which are to be the prescribed limits for the purposes of the 1847 Act.

(3) Nothing in this Part or in any provision of the 1847 Act shall be construed as prejudicing the rights of any person who has an estate in land within any limits specified under paragraph (2).

(4) The purposes for which byelaws may be made under section 83 of the 1847 Act shall include regulating the places within the limits specified under paragraph (2) in relation to a ferry landing place to which members of the public may be admitted, the times during which members of the public may be admitted to such places and the conduct of members of the public when so admitted.

(5) Paragraphs (2) to (4) of Article 102 shall apply to byelaws under section 83 of the 1847 Act as they apply to byelaws under that Article, but with the substitution in paragraph (3) for the reference to the road ferry service of a reference to the ferry landing place.

F3 1847 c. 27

Functions of Department in relation to certain ferry landing places and surrounding limits

107.—(1) This Article applies to a ferry landing place mentioned in Article 106(1) and references in this Article to the limits of a ferry landing place are references to the limits specified under Article 106(2) in relation to that ferry landing place.

(2) The Department may enter into arrangements with any other person—

- (a) for the provision by that person, on land within the limits of a ferry landing place to which this Article applies, of any facilities, amenities or services;
- (b) for the use by that person of such land for recreational or leisure activities.

(3) The Department shall at all times keep at appropriate places within the limits of a ferry landing place to which this Article applies a sufficient number of lifebuoys and lines in good order and fit and ready for use.

(4) The Department may by directions in writing specify the rate to be paid in respect of vessels entering the limits of a ferry landing place to which this Article applies; and references in the 1847 Act to rates shall be construed as references to rates for the time being specified under this paragraph.

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(5) The Department may by directions in writing specify the charges to be paid in respect of the use by any person of equipment, facilities, amenities or services provided by the Department within the limits of a ferry landing place to which this Article applies.

(6) Paragraphs (3) and (4) of Article 101 shall apply to the issuing of directions under paragraph (4) or (5) of this Article as they apply to the issuing of directions under paragraph (1) of that Article, but with the substitution for references to the road ferry service of references to the ferry landing place.

(7) A notice setting out the rates for the time being specified in directions under paragraph (4) and the charges for the time being specified in directions under paragraph (5) shall be exhibited by the Department in a conspicuous place in the vicinity of the ferry landing place.

Power to dredge

108.—(1) The Department may, for the purpose of or in connection with any of its functions under this Part, dredge—

- (a) any land owned by it;
- (b) the foreshore and bed of any waters within any limits specified under Article 106(2); and
- (c) the foreshore and bed of any other waters over which a road ferry service is provided.

(2) The powers in paragraph (1)(b) and (c) shall not be exercisable in relation to any part of the foreshore or the bed of waters under the management of the Crown Estate Commissioners except with the consent of, and subject to any conditions imposed by, the Crown Estate Commissioners.

(3) The Department shall not deposit material dredged in a place below the level of mean high water springs except—

- (a) with the consent of, and subject to any conditions imposed by, the Crown Estate Commissioners; and
- (b) in such places and subject to such conditions as the Secretary of State concerned with navigation may determine.

(4) The Department shall not—

- (a) exercise its power under paragraph (1)(c); or
- (b) deposit any material dredged under paragraph (1),

within the limits within which a harbour authority may exercise its functions without the consent of that harbour authority.

Repeal of local enactment and transitional provisions

109.—(1) The Down County Council (Strangford Lough Ferry) Act (Northern Ireland) 1967^{F4} is hereby repealed.

(2) Any thing done or provided by any predecessor in title to the Department under or for the purposes of that Act shall be deemed to have been done or provided by the Department under or for the purposes of this Part.

(3) The limits set out in section 37 of that Act in relation to the ferry landing places mentioned in that section shall have effect for the purposes of this Part as if specified by an order under Article 106(2).

F4 1967 c. ii (N.I.)

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