

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—

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(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 (Propellers or other form of propulsion unit not to cause damage) there shall be substituted—

“16. No vessel or boat shall have its propeller or propellers 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.”;

(15) for Bye-law 38 (Vessels or boats approaching places where works are in progress) there shall be substituted—

“38.—(1) The master of a vessel or boat approaching or being near any place where dredging, piling, diving, salvaging, licensed fish farming or any such works are in progress, shall reduce speed and navigate in such a manner as shall not imperil the safety of any person or cause damage to any plant or to any such works.

(2) The master of a vessel or boat shall, on sighting cots, barges or pontoons engaged in the loading or transporting of livestock, plant or materials, reduce to such a speed as will eliminate wash and wake in the vicinity of such craft.”;

(16) in Bye-law 47 (Penalties):

(a) in paragraph (1)(a) after the number “13” there shall be inserted the number “13A”;

(b) in paragraph (2) the numbers “18” and “35” shall be deleted;

(17) in Schedule A, Form 1, after the words “Application for Licensing” there shall be inserted the words “or Re-Licensing” and in paragraph 12 (Declaration) after the words “Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978” there shall be added the words “as amended”;

(18) in Schedule A, Form 2, in paragraph 10 (Declaration) for the words “in accordance with Part IV and Part V of Schedule B of the Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978” there shall be substituted—

“in accordance with Part I of Schedule B to the Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978 as amended”;

(19) in Schedule A, after Form 2, there shall be inserted the form set out in Schedule I; and

(20) for Schedule B (Specifications on construction and equipment) there shall be substituted the Schedule set out in Schedule II.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 3rd January 1986.

(L.S.)

*I. C. Henderson*

Assistant Secretary

SCHEDULE I

SCHEDULE A

Form 3

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

Drainage Division, The Mall West, Armagh BT61 9BL

The Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978 as Amended  
APPLICATION FOR APPROVAL OF AN EVENT

1. Please use block letters	Name of Applicant	
	Address of Applicant	
2. Please use block letters	Name of Club/Group Represented	
	Office Held	
	Address of Club/Group	
3. Details of Event	(a) Nature of Event (b) Site (c) Date (d) Time (e) Duration	
4. Name and Address of Sports Governing Body (if applicable)		
5. Date of Approval by Governing Body for this Event (if applicable)		
6. Name and Address of Company with which the Event is insured		
7. Number of participating vessels or boats		
8. Safety	(a) Number of safety boats arranged	
	(b) Details of First Aid Provisions	

9. Declaration

I/We on behalf of the Club/Group above declare that to the best of my/our belief that the particulars given on this Form are correct and that participants in the above Event will be limited to those covered by the Insurance and I/we further understand that the Department may require modifications in the siting or timing of the proposed Event in the interests of safety.

Signature(s) of Applicant(s) .....

Date ..... 19.....

FOR OFFICIAL USE ONLY

Date Received .....

Permission granted ..... YES/NO

Date applicant(s) notified of decision .....

## SCHEDULE II

## SCHEDULE B

## Specifications as to construction and equipment

## PART I — PROVISIONS APPLICABLE TO ALL VESSELS

## (1) FIRE EXTINGUISHERS

(a) Every vessel with an enclosed cabin shall carry on board dry powder fire extinguishers in the quantity and of the minimum capacity prescribed below:

<i>Overall Length of Vessel</i>	<i>Vessels without Cooking facilities</i>	<i>Vessels with Cooking facilities</i>
Not exceeding 5 metres	1 × 1.3 kg	1 × 1.3 kg
Over 5 metres, but not exceeding 9 metres	1 × 1.3 kg	2 × 1.3 kg
Exceeding 9 metres	2 × 1.3 kg	3 × 1.3 kg

(b) A vessel shall be deemed to comply with sub-paragraph (a) if in place of each dry powder fire extinguisher of 1.3 kg minimum capacity it carries a CO<sub>2</sub> fire extinguisher of 2.2 kg minimum capacity or a foam fire extinguisher of 9 litres minimum capacity.

(c) Fire extinguishers shall be maintained in a serviceable condition and shall be located in positions convenient for use at fire risk points.

## (2) BOTTLE GAS INSTALLATIONS

(a) All gas containers (whether in use or not) shall be either:

- (i) secured on deck away from hatches or other openings so that any gas escaping is dispersed overboard; or
- (ii) placed in a separate ventilated housing above the water line, accessible only from the top and deep enough to enclose the cylinder valve and regulator with provision for escaping gas to flow overboard from the bottom of the housing.

(b) All gas containers shall be installed in an upright position with the valve uppermost and not adjacent to any cooking or heating appliance and not in an engine room or in a fuel compartment.

(c) All domestic appliances such as cookers, water heaters, refrigerators and space heaters shall be securely fixed to the main structure and supply pipes to such appliances shall be rigidly secured and protected against accidental damage or deterioration.

## (3) PORTABLE GAS STOVES

Where small self-contained portable gas appliances with the burner screwed directly into the container are stored in the vessel they shall be placed in a housing as set out in paragraph 2(a)(ii).

## PART II — PROVISIONS APPLICABLE TO PASSENGER VESSELS ONLY

## (4) LIFE JACKETS

Each passenger vessel shall have on board at all times a sufficient number of life jackets for all those on board and in addition shall carry at least one lifebuoy.

## (5) BOARDING LADDER

Each passenger vessel shall carry a boarding ladder or steps.

## (6) DISTRESS FLARES

Each passenger vessel shall be provided with not less than 4 effective distress flares, 2 of which shall be orange for use in daylight and 2 red for use at night; the distress flares shall be stored safely on board in a watertight container labelled to indicate their purpose and effective life.

## (7) BATTERIES

(a) All batteries shall be securely installed in ventilated compartments and provided with a

cover of insulating non-corrodible material to prevent accidental movement or damage; no battery may be fitted beneath or adjacent to any petrol cock, fuel tank or filter.

- (b) Passenger vessels fitted with fixed engines shall be fitted with a master switch which must be capable of carrying the maximum current of the system (including the starter motor), and be provided as close to the battery terminals as possible.

(8) ELECTRICAL INSTALLATIONS

Every passenger vessel having electric leads shall have them properly insulated and supported, and not affixed to or near fuel tanks, or to or near gas or exhaust pipes; auxiliary electric motors other than flameproof motors, shall not be fitted in any petrol engine, gas or fuel compartments.

(9) FUEL TANKS AND PIPES

- (a) Fixed fuel tanks and cocks shall be soundly constructed and suitably protected against accidental damage and shall be placed sufficiently far from the engine, exhaust pipes and cooking and heating appliances as to eliminate the risk of fire.
- (b) All joints and cocks in the system shall be easily accessible and maintained in such a manner as to eliminate the risk of fire from leakage of fuel.
- (c) Portable fuel tanks connected by flexible hose to the engine carburettor may be used provided that no modification is made to the equipment supplied by the manufacturer.

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EXPLANATORY NOTE

*(This note is not part of the Bye-laws.)*

These Bye-laws, which amend the Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978,—

- (i) apply the licensing and registration requirements of the 1978 Bye-laws to vessels (as defined in the 1978 Bye-laws) which are moored;
- (ii) provide for exemptions from registration;
- (iii) provide for a safety mechanism to be fitted to the engine of a motorised skimmer [as defined in Bye-law 2(1)(b)];
- (iv) revise the requirements relating to navigation lights in the 1978 Bye-laws;
- (v) provide that a look-out should be kept where vessels or boats are stopped but are not moored or anchored;
- (vi) impose speed limits at a number of locations and provide for exemptions from speed limits at 2 specified locations in the case of events approved by the Department;
- (vii) add to the activities near which a vessel or boat must be slowed; and
- (viii) revise the requirements governing the construction of vessels and the equipment to be carried on vessels.