

1988 No. 362

STRANGFORD LOUGH FERRY**Strangford Lough Ferry and Harbour Byelaws
(Northern Ireland) 1988**

Made 10th October 1988

Coming into operation 27th November 1988

The Department of the Environment in exercise of the powers conferred by sections 12, 39(1) and 40(3) of the Down County Council (Strangford Lough Ferry) Act (Northern Ireland) 1967(a) (hereinafter referred to as “the Act of 1967”) and section 83 of the Harbours, Docks, and Piers Clauses Act 1847(b) (hereinafter referred to as “the Act of 1847”) as incorporated by section 47 of the Act of 1967 and now vested in it(c) and of every other power enabling it in that behalf and having consulted with Ards Borough Council and the Down District Council and with the consent of the Secretary of State(d) and the Crown Estate Commissioners(e) insofar as such consents are required under section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 1932(f) hereby makes the following Byelaws:—

Citation and commencement

1. These Byelaws may be cited as the Strangford Lough Ferry and Harbour Byelaws (Northern Ireland) 1988 and shall come into operation on 27th November 1988.

Interpretation

2. In these Byelaws:—

“board sailing” means the navigation or propulsion of a sail board;

“Department” means the Department of the Environment;

“ferry” means a boat operated by the Department for the purposes of the ferry undertaking;

“harbour area” means the lands, landing places, docks, piers, quays, works and sea referred to in section 37 of the Act of 1967;

“sail board” means a vessel in the form of a raft with a sail designed to be navigated by a person or persons standing upright thereon;

(a) 1967 c. ii (N.I.) as modified by S.R. 1988 No. 160

(b) 1847 c. 27

(c) 1972 c. 9 (N.I.) s. 131: S.I. 1572/1998 (N.I. 21): S.R. & O. (N.I.) 1973 No. 278: S.R. & O. (N.I.) 1973 No. 504 Art. 4

(d) Functions transferred from the Board of Trade *see* S.I. 1970/1537 Art. 2(1) and S.I. 1983/1127 Art. 2(4)

(e) Formerly the Commissioners of Crown Lands *see* 1956 c. 73 s. 1 (now repealed) and 1961 c. 55 s. 1

(f) 1932 c. 11

“vessel” has the meaning assigned to it by section 3 of the Act of 1847 save that it shall not include a ferry.

Embarkation, disembarkation and conduct on ferry

3. A driver of a vehicle intending to embark on the ferry shall position his vehicle in the approaches to the ferry so as to cause no obstruction to the vehicles or passengers disembarking from the ferry and so as to ensure the orderly embarkation of the ferry.

4. Before driving on to the ferry a driver shall ensure that his load is secure, the doors of his vehicle are closed and fuel is not spilling from the vehicle.

5. A driver shall drive his vehicle on to the ferry in an orderly manner and shall take up position thereon so as not to obstruct or interfere with the working of the ferry or the embarkation or disembarkation of other vehicles or passengers.

6. A driver shall secure his vehicle on board the ferry by applying the handbrake and turning off the engine.

7. A driver shall remain at the wheel of his vehicle at all times while the vehicle is on the ferry.

8. A passenger on foot or a cyclist shall embark or disembark by the means provided for the purpose.

9. A passenger on foot or a cyclist shall confine himself to such parts of the ferry as are reserved for passengers.

10. No passenger shall conduct himself in such a way as to interfere with the ferry undertaking or to give reasonable cause for annoyance to other passengers.

11. A driver shall, on completion of the passage and as soon as the way is clear for him to proceed, drive his vehicle off the ferry in an orderly manner and shall immediately remove it from the harbour area.

12. Any person embarking on or disembarking from the ferry shall comply with any directions given by an officer of the Department.

Vessels using harbour area

13. No person shall make fast, moor or anchor a vessel or cause the same to be made fast, moored or anchored within the harbour area save in areas designated for those purposes by the Department and publicly displayed in the harbour area in the form of a map or diagram.

14. A person in charge of a vessel within the harbour area shall ensure that the vessel is navigated with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or

damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of the ferry or other vessels or with moorings or other property.

15. Subject to Byelaw 14 no person in charge of a vessel within the harbour area shall cause or permit it to proceed at a speed exceeding 5 knots.

General matters

16. No person shall engage in board sailing or water ski-ing within the harbour area.

17. No person shall swim or dive within the harbour area except in an area designated for those purposes by the Department and publicly displayed in the harbour area in the form of a map or diagram.

18. No person shall offer goods for sale or otherwise trade in goods in the harbour area without the written permission of the Department.

19. No person shall obstruct or cause to be obstructed the area designated for the marshalling of vehicles awaiting embarkation on the ferry or the passageways for vehicles approaching or leaving the ferry.

Saving for Crown

20. Nothing contained in any of the foregoing Byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the tidal lands below mean high water of any estates and interest in or right over such lands or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing Byelaws in any respect prejudice or injuriously affect any right, power or privilege legally exercisable by any person in, over and in respect of such lands.

Penalty

21. The fine prescribed under section 40(3) of the Act of 1967 for failing to comply with or otherwise knowingly contravening any provisions of these Byelaws shall be a fine not exceeding £100(a).

Sealed with the Official Seal of the Department of the Environment on
10th October 1988.

(L.S.)

A. Miller

Assistant Secretary

(a) See S.I. 1984/703 (N.I. 3) Articles 5(1) and (2) and 6(1) and (3); S.R. 1984 No. 253 Article 2(4) and Schedule 4

The Secretary of State for Transport hereby consents to the foregoing Byelaws insofar as such consent is required under section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 1932.

Signed on behalf of the Secretary of
State for Transport on 20th July
1988.

J. R. Fells
an Assistant Secretary of the
Department of Transport authorised
by the Secretary of State

The Crown Estate Commissioners hereby consent to the foregoing Byelaws insofar as such consent is required under section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 1932.

The Official Seal of the Crown Estate Commissioners hereunto affixed on the 21st September 1988 was authenticated by

R. G. L. Osborne
Authorised by the Crown Estate
Commissioners

EXPLANATORY NOTE

(This note is not part of the Byelaws.)

These Byelaws relate to the embarkation and disembarkation of vehicles and passengers on and from the Strangford Lough Ferry and the conduct of passengers and drivers of vehicles. They also relate to the requirements to be observed by vessels using the harbour areas at Portaferry and Strangford and prohibit certain activities in those harbour areas.

Any person who fails to comply with or otherwise knowingly contravenes a Byelaw shall be liable on summary conviction to a fine not exceeding £100 for each offence.