LOUGH ERNE NAVIGATION is governed by the following Bye-laws:-

- Lough Erne (Navigation) Bye-laws (Northern Ireland) 1978
- Lough Erne (Navigation) (Amendment) Byelaws (Northern Ireland) 1986

Waterways Ireland is the body responsible for Bye Laws on the Erne Navigation. This power transferred to Waterways Ireland from the Department of Agriculture in two pieces of legalisation:

The North/South Co-Operation (Implementation Bodies) (Northern Ireland) Order 1999
The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

Collated Version of the current Bye-laws for Lough Erne

While every effort has been made to ensure accuracy in the information supplied, no responsibility can be accepted by Waterways Ireland as a result of any errors or omissions. Only copies of the original Bye-laws should be used for legal matters.

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 and amended by Lough Erne (Navigation) (Amendment) Byelaws (Northern Ireland) 1986 coming into effect 24th February 1986

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 at Agriculture;

"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);

"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;

"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;

"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.

**Licensing and numbering of passenger vessels**

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.

4. – (1) Any owner applying to licence a passenger vessel shall complete and lodge with the Department an application in Form I 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 revoke 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 compiled with.

**Numbering and registration of vessels other than passenger vessel**

9. (1) Subject to paragraph (2) and to the provisions of these Byelaws 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.

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 I of Schedule B; (see new Schedule B from amended Byelaws)

**General requirements relating to vessels and boats**

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

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.

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 propellor 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.

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.

18. 1978 Byelaw revoked

**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 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.

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. 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;

25A – (1) Bye-law 25 shall not apply to vessels or boats taking part in an event at the locations mentioned in paragraphs (b) or (1) 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;

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 a 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) Vessel 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 bylaws, 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 22.5º 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 ease 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;

b) when both have the wind on the same side, the boat which is to wind-ward shall give way to the boat which is to leeward;

c) where the master of a boat with the wind on the port side is unable to determine with certainty whether a boat to the windward has the wind on the port or on the starboard side the boat with the wind on the port side shall give way to the boat to the windward.

(2) For the purposes of this bye-law the windward side shall be deemed to be the side opposite to that on which the main sail is carried.

35. 1978 Bye-law revoked

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 Byelaw 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.

37. No vessel or boat shall be navigated at such speed or in such manner as to cause or be likely to cause nuisance, injury or damage to persons or property or to other vessels or boats.

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.
**General matters**

39. The Department may for reasons of safety temporarily prohibit the use for navigation of any part of Lough Erne for such period as shall be specified in a notice inserted in two or more newspapers circulating in the locality and no person shall navigate on such part thereof as shall be specified in the said notice during the period referred to therein provided that where any such prohibition would be effective to prevent access by any person to a significant part of Lough Erne, such person may appeal to an independent person appointed by the Department for the purpose.

40. An authorised official may at any time in case of emergency and for reasons of safety temporarily prohibit the use for navigation of any part of Lough Erne and no person shall navigate on such part thereof as shall be specified by the said authorised official during the period stipulated by him provided always that no person may be convicted of an offence hereunder unless the Department shall affirmatively prove that the prohibition was imposed for reasons of safety and that an emergency justifying prohibition existed at the time of such prohibition.

41. The owner or master of a vessel or boat shall permit an authorised official to board and inspect the said vessel or boat where the authorised official has reasonable grounds for believing that contravention of these bye-laws is occurring or has occurred.

42. No person shall navigate or cause to be navigated on Lough Erne a vessel or boat which is by reason of the way in which it is constructed, fitted out, loaded or maintained or by the nature of its cargo a hindrance to free navigation or a danger to works, persons or other vessels or boats.

43. The owner or master of a vessel or boat which is aground and which can not readily be refloated, or of a vessel or boat which has sunk, shall as soon as possible inform the Department thereof and in the case of a sunken vessel or boat shall as soon as possible mark the place with a marker or buoy and shall maintain such marker or buoy in position until the vessel or boat shall have been raised or until notified by the Department that refloating is not required.

44. The owner of a vessel or boat, which sinks or goes aground shall within twenty-four hours of receiving written notice from the Department take such measures, as are necessary to raise or refloat the said vessel or boat.

45. No person who is under the influence of drink or drugs to such extent as to be incapable of navigating or having proper control of a vessel or boat shall navigate or attempt to navigate or control the same.

46. An authorised official may at any time give such orders or directions as may be necessary to ensure compliance with these bye-laws and all persons navigating or being present on Lough Erne shall obey all such orders or directions.

**Penalties**

47. (1)(a) In the event of any contravention of the following bye-laws in relation to a vessel or boat the owner shall be guilty of an offence: 6, 7, 12, 13, 14, 15, 22.

(b) In any proceeding for an offence under sub-paragraph (1)(a) it shall be a defence for the person charged to prove that:

(i) the contravention was due to the act or default of some other person, and

(ii) he did not know of such contravention and

(iii) he took all reasonable precautions and exercised all due diligence to avoid such contravention.

(2) In the event of any contravention of the following bye-laws in relation to a vessel or boat the master shall be guilty of an offence: 16, 17, 18, 23, 24, 27, 30, 31, 32, 33, 34, 35, 37, 39, 40.

(3) In the event of any contravention of any of the other bye-laws the person who contravenes the bye-laws shall be guilty of an offence.
48. Any person who is guilty of an offence under these byelaws shall be liable on summary conviction to a fine not exceeding £50 for each offence and in the case of a continuing offence an additional fine not exceeding £5 for each day during which the offence continues after written notice of the offence has been given to such person.

SCHEDULE A

Form 1’s, Form 2’s & Form 3’s can be obtained by contacting Waterways Ireland HQ

SCHEDULE B

Specification as to the 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 the minimum capacity prescribed below:

<table>
<thead>
<tr>
<th>Overall Length of Vessel</th>
<th>Vessels without Cooking facilities</th>
<th>Vessels with Cooking facilities</th>
</tr>
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<tbody>
<tr>
<td>Not exceeding 5 metres</td>
<td>I x 1.3 kg</td>
<td>I x 1.3 kg</td>
</tr>
<tr>
<td>Over 5 metres, but not exceeding 9 metres</td>
<td>I x 1.3 kg</td>
<td>2 x 1.3 kg</td>
</tr>
<tr>
<td>Exceeding 9 metres</td>
<td>2 x 1.3 kg</td>
<td>3 x 1.3 kg</td>
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(b) A vessel shall be deemed to comply with sub-paragraph (a) if in place of each dry powder fire extinguisher of 1.3kg minimum capacity it carries a CO₂ 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 list 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 PASSENGERS VESSELS ONLY

(4) LIFE JACKETS
Each passenger vessel shall have on board at all times a sufficient number of lifejackets 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 day light 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.