
DRAFT STATUTORY INSTRUMENTS

1999 No.

Water (Northern Ireland) Order 1999

PART III

**POWERS OF DEPARTMENT OF AGRICULTURE
IN RELATION TO WATERWAYS**

Principal powers of Department in relation to waterways

Regulation of recreational and navigational use of waterways

49.—(1) The Department may by order subject to negative resolution regulate the way in which any waterway specified in the order may be used for recreation or navigation.

(2) Without prejudice to the generality of paragraph (1), an order made under that paragraph may make provision—

- (a) regulating the use of a waterway by vessels;
- (b) requiring vessels using a waterway to be licensed for that purpose by the Department;
- (c) regulating the grant, renewal, transfer and revocation of licences under sub-paragraph (b) and the conditions subject to which such licences are to be granted;
- (d) requiring vessels using a waterway to be registered with the Department;
- (e) regulating the manner in which and the conditions subject to which vessels may be registered under sub-paragraph (d) and the manner in which registration may be withdrawn;
- (f) regulating the construction, condition, safety and control of vessels which may use a waterway and the equipment to be carried on such vessels;
- (g) regulating the movement of vessels, and the use of lights, on a waterway;
- (h) regulating the opening of locks or the operation of any other works executed under any relevant statutory provision;
- (i) regulating the conduct of persons on—
 - (i) a waterway; or
 - (ii) on land adjacent to a waterway and owned by the Department;
- (j) prohibiting a waterway from being used for navigation or recreational purposes, except as permitted by the order;
- (k) for prohibiting or restricting access to—
 - (i) a waterway; or
 - (ii) to land adjacent to a waterway and owned by the Department;
- (l) preventing the improper use of any works executed or maintained by the Department under any relevant statutory provision or facilities provided or maintained by the Department

under any such provision, or preserving such works or facilities from damage or destruction;

- (m) preventing the obstruction of a waterway;
- (n) for the removal by the Department of vessels or objects from a waterway in such circumstances as may be specified in the order and the storage or disposal by the Department of vessels or objects so removed;
- (o) for the recovery by the Department of the cost of removing, storing or disposing of such vessels or objects as are mentioned in sub-paragraph (n);
- (p) making persons guilty of an offence where there is a contravention of the order and for the imposition of fines on summary conviction for an offence.

(3) Any person duly authorised by the Department may, on production if so required of evidence of his authority, require any person suspected of contravening any provision of an order under this Article—

- (a) to state his name and address;
- (b) to leave the waterway.

(4) Any person who fails to comply with a requirement imposed under paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Nothing in this Article shall affect the operation of the provisions of the Merchant Shipping Act 1995.

(6) In this Article and in Article 50, “relevant statutory provision” means any provision of—

- (a) the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955;
- (b) Schedule 7 to the Drainage Order; or
- (c) this Part.