
STATUTORY INSTRUMENTS

2020 No. 474

The Lake Lothing (Lowestoft) Third Crossing Order 2020

PART 4

OPERATIONAL PROVISIONS

Byelaws

46.—(1) The undertaker may make byelaws regulating the use and operation of the new bridge and the new bridge infrastructure, the maintenance of order and the conduct of persons in the new bridge area and the mooring of vessels to, and the passage of vessels under, the new bridge.

(2) Without limiting the scope of paragraph (1), byelaws made under this article may make provision—

- (a) preventing interference with, or obstruction of, the operation of the new bridge, including from vessels or other facilities machinery apparatus tools or other things provided in connection with the operation of the new bridge;
- (b) preventing interference with the new bridge or the new bridge infrastructure;
- (c) preventing trespass in the new bridge area;
- (d) preventing nuisances on the new bridge or in the new bridge area;
- (e) requiring any person in charge of a motor vehicle which is at rest by reason of breakdown on any part of the new bridge or the new bridge approaches to report that fact and the position and circumstances in which the vehicle is at rest to the undertaker;
- (f) prohibiting any person, other than an appointed person—
 - (i) from carrying out, or attempting to carry out a repair, adjustment or refuelling of such a vehicle to which sub-paragraph (e) applies except with permission expressly given by an appointed person; and
 - (ii) from moving, or attempting to move, such a vehicle from the position in which it is at rest;
- (g) prohibiting a person from obstructing any action taken by an appointed person for the purpose of removing a vehicle;
- (h) ensuring the safety of vehicles passing over the new bridge and through the new bridge area; and
- (i) placing controls on the mooring and passage of vessels.

(3) The undertaker must consult the harbour authority before making byelaws under paragraph (1) and in the case of a byelaw the purpose of which is to control the navigation or mooring of vessels in the Order limits, must not make the byelaw without the consent of the harbour authority (such consent not to be unreasonably withheld).

(4) [^{F1}From the opening of the new bridge for public use,] the byelaws in Schedule 10 (the Lowestoft Third Crossing Byelaws 2020) have effect until such time as they are amended or revoked by byelaws made under paragraph (1) and in the meantime they are to be treated as if they had

been made by the undertaker under that paragraph and approved by the harbour authority under paragraph (3).

(5) [F2On a date appointed by the undertaker, which must follow—

- (za) the undertaker having first sought the harbour authority’s written consent to the proposed date not less than 35 days before the date intended to be appointed; and
- (zb) the harbour authority having consented in writing to the date intended to be appointed (such consent not to be unreasonably withheld) not less than 28 days before that date,

the Lowestoft Harbour Byelaws 1993 are amended as follows—]

(a) in Byelaw 4 (interpretation) insert the following definitions in the appropriate places alphabetically—

““the Order” means the Lake Lothing (Lowestoft) Third Crossing Order 2020”;

““the new bridge” means the bridge authorised by Work No. 1 in Schedule 1 (authorised development) to the Order”;

““the new bridge control building” means the bridge control building authorised by Work No. 6 in Schedule 1 (authorised development) to the Order”;

““the new bridge infrastructure” means the infrastructure elements supporting the new bridge including (without limitation) the cables, drainage, electricity and water supplies, and fenders relating to the new bridge, as well as any plant and machinery and any emergency, safety or communications equipment required for the construction, maintenance or operation of the new bridge”;

““the new bridge undertaker” means Suffolk County Council or a person to whom the benefit of the relevant provisions of the Order has been transferred under article 49 (transfer of benefit of Order, etc.) of the Order”;

““the Scheme of Operation” means the Scheme of Operation having effect from time to time under article 41 (operation of the new bridge) of the Order”;

(b) after Part IV (Conduct of Persons on Harbour) insert—

“PART IVA

NEW BRIDGE CONTROLS ON VESSELS

Mooring of vessels

37A. A master of a vessel must not moor the vessel—

- (a) to any pier or any other part of the new bridge or the new bridge infrastructure; or
- (b) in the vicinity of the new bridge if to do so might damage the new bridge or the new bridge infrastructure, or impede its operation in accordance with the Scheme of Operation,

without the prior consent of the new bridge undertaker.

Observation of signals and communications

37B. A master of a vessel must observe and comply with the river traffic control signal lights exhibited from the new bridge and follow any instructions issued by the new bridge undertaker.

37C. A master of a vessel approaching or departing the new bridge must make every reasonable effort to maintain continuous contact with the new bridge undertaker within the new bridge control building on VHF channel 14 or (if this becomes obsolete) such other means of communication instructed by the new bridge undertaker.

37D. A master of a vessel awaiting passage under the new bridge must—

- (a) stay clear of the centre channel of Lake Lothing;
- (b) give transiting vessels sufficient room to manoeuvre; and
- (c) ensure that that the vessel does not advance beyond the outer edge of the fenders surrounding the new bridge until instructed to proceed by the new bridge undertaker.

Passage of vessels under the new bridge

37E. Unless otherwise directed by the harbour master, a master of a vessel must direct the vessel to pass under the new bridge by navigating between the two bridge piers which are within Lake Lothing, and must not allow the vessel to pass between a pier and the nearest quay wall of Lowestoft Harbour.

Collision with the new bridge

37F. A master of a vessel which has been involved in a collision with the new bridge must, as soon as reasonably practicable, report the occurrence to the new bridge undertaker and as soon as reasonably practicable thereafter provide the new bridge undertaker with details of the collision in writing.”.

[^{F3}(5A) The harbour authority must issue a notice to mariners setting out the changes to the Lowestoft Harbour Byelaws 1993 contained in paragraph (5) and the date on which those changes will have effect, not less than 21 days before the date appointed by the undertaker under paragraph (5).]

(6) The harbour authority must not—

- (a) amend or revoke the byelaws inserted into the Lowestoft Harbour Byelaws 1993 by paragraph (5); or
- (b) make byelaws which affect the new bridge, the new bridge infrastructure or impede operation of the new bridge in accordance with the Scheme of Operation,

without first obtaining the consent of the undertaker, such consent not to be unreasonably withheld.

(7) Where there is any inconsistency between the provisions of the Lowestoft Harbour Byelaws 1993 as amended by paragraph (5) or any other byelaws made by the harbour authority and the byelaws made by the undertaker under paragraph (1), the byelaws made by the undertaker under paragraph (1) prevail.

(8) Subject to paragraph (9), the provisions of section 236(3) to (8), and (11) of the Local Government Act 1972 ^{M1} (procedure etc., for byelaws) apply in relation to byelaws made by the undertaker under paragraph (1).

(9) The undertaker may make byelaws under paragraph (1), in accordance with the procedure in the Byelaws (Alternative Procedure) (England) Regulations 2016 ^{M2} as if those regulations applied to the making, amending and revoking of byelaws under that paragraph.

(10) Byelaws made under this article are enforceable as follows—

- (a) in the case of byelaws made under paragraph (1), by an appointed person; or
- (b) in the case of the amendments to the Lowestoft Harbour Byelaws 1993, which have effect under paragraph (5), by an appointed person or the harbour authority.

(11) A person who breaches a byelaw made under paragraph (1) or (3) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(12) Where damage to the new bridge is attributable to a person in charge of a vessel being in breach of a byelaw made under paragraph (1), or the amendments to the Lowestoft Harbour Byelaws 1993, which have effect under paragraph (5), the undertaker may recover all expenses reasonably incurred in repairing the damage as a debt.

(13) The harbour authority must, within ten days of the receipt of such a request provide all information reasonably requested by the undertaker where the undertaker reasonably suspects that a breach of a byelaw made under paragraph (1) or the amendments to the Lowestoft Harbour Byelaws 1993 which have effect under paragraph (5) has been committed by a person in charge of a vessel.

(14) In this article—

“breakdown” in relation to a motor vehicle, includes mechanical defect, lack of fuel, oil or water required for the vehicle, and any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the vehicle or its accessories, drive it under its own power away from the new bridge; and

“prescribed” means prescribed by byelaws made under paragraph (1).

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| <p>F1 Words in art. 46(4) inserted (22.10.2020) by The Lake Lothing (Lowestoft) Third Crossing (Correction) Order 2020 (S.I. 2020/1158), arts. 1, 2(3)</p> <p>F2 Words in art. 46(5) substituted (22.10.2020) by virtue of The Lake Lothing (Lowestoft) Third Crossing (Correction) Order 2020 (S.I. 2020/1158), arts. 1, 2(4)</p> <p>F3 Art. 46(5A) inserted (22.10.2020) by The Lake Lothing (Lowestoft) Third Crossing (Correction) Order 2020 (S.I. 2020/1158), arts. 1, 2(5)</p> |
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Commencement Information

- I1** Art. 46 in force at 21.5.2020, see [art. 1](#)
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Marginal Citations

- M1** 1972 c. 70.
- M2** S.I. 2016/165.

Changes to legislation:

There are currently no known outstanding effects for the The Lake Lothing (Lowestoft) Third Crossing Order 2020, Section 46.