

## **STRANGFORD LOUGH REGULATION OF ANCHORING, MOORING AND DIVING BYELAWS 2012**

1. The Secretary of State:
  - (a) in exercise of powers conferred by article 21(1) and (2) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985<sup>(1)</sup> (“the Order”); and
  - (b) having consulted the Council for Nature Conservation and the Countryside in accordance with article 21(3) of the Order;makes the following Byelaws for the protection of an area of Strangford Lough designated in accordance with article 20 of the Order as a marine nature reserve.

### **Citation and commencement**

2. These Byelaws may be cited as the Strangford Lough Regulation of Anchoring, Mooring and Diving Byelaws 2012 and come into force one month from the date upon which they are made.

### **Extent**

3. These Byelaws apply to the restricted zone in the Strangford Lough Marine Nature Reserve.

### **Interpretation**

4. In these Byelaws:
  - “buoy” includes any racing marker buoy and any form of sailing mark, whether temporary and permanent;
  - “the chart” means the chart contained in Part 2 of the Schedule;
  - “the Department” means the Department of the Environment;
  - “dive” means the activity of entering water and while remaining under water breathing in air or other gas at a pressure greater than atmospheric pressure;

<sup>(1)</sup> 1985 No. 170 (N.I.1)

“restricted zone” means the area described in Part 1 of the Schedule and indicated by the shaded area on the chart;

“relevant body” means-

- (a) the Department;
- (b) the Commissioners of Irish Lights;
- (c) a district council;
- (d) a harbour authority as defined by the Harbours Act (Northern Ireland) 1970<sup>(1)</sup>;
- (e) a water undertaker or a sewerage undertaker; or
- (f) Department of Agriculture and Rural Development;
- (g) the Crown Estates Commissioners; or
- (h) the Maritime and Coastguard Agency.

### **Prohibition of anchoring, mooring and diving**

- 5. It is an offence to anchor or moor a vessel within the restricted zone at any time.
- 6. It is an offence to deposit any mooring, beacon, pole, buoy, or associated tackle within the restricted zone at any time.
- 7. It is an offence to dive within the restricted zone at any time.

### **Exceptions**

- 8. Nothing in byelaws 5, 6 or 7:
  - (a) prohibits or restricts the exercise of any right of passage by a vessel;
  - or
  - (b) makes unlawful anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life.

<sup>(1)</sup> 1970 c.1

9. Byelaws 5, 6 and 7 do not apply in relation to:
- (a) the exercise of any functions of a relevant body;
  - (b) the exercise of any functions conferred by or under a statutory provision (whenever made);
  - (c) the exercise of any right of any person (whenever vested);
  - (d) the anchoring or mooring of a vessel for any purpose under a marine licence issued under Part 4 of the Marine and Coastal Access Act 2009<sup>(1)</sup>; or
  - (e) any person undertaking an activity in accordance with a permit issued by the Department under byelaw 10.

### **Permits**

10. The Department may issue permits, subject to such conditions as the Department may impose, authorising any person to undertake the activities described in byelaws 5, 6 or 7 for any scientific, conservation or other purpose.

### **Penalty**

11. Any person who commits an offence under byelaws 5, 6 or 7 is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

For and on behalf of the Secretary of State

*Richard Benyon MP, Minister for Natural Environment and Fisheries, DEFRA*

*13/11/2012*

<sup>(1)</sup> 2009 c.23.

## PART 1

**RESTRICTED ZONE**

The area of water deeper than 10 metres below Chart Datum in an area bounded by the Northern Limit and the Southern Limit, other than the waters of Ringhaddy Sound, westward of Island More and Dunsy Island.

For this purpose –

(a) the Northern Limit is a line of latitude from Gransha Point to Drumildoo Point,  $54^{\circ} 27.50'N$ : and

(b) the Southern Limit is a line of latitude from Kates Pladdy to the southern tip of Island Taggart,  $54^{\circ} 24.69'N$ .

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## PART 2

