

## DUN LAOGHAIRE HARBOUR

### SECTION I: ABSTRACT OF MAIN STATUTORY PROHIBITIONS

### SECTION II: HARBOUR BYE-LAWS MADE THE 7<sup>th</sup> DAY OF SEPTEMBER 1999 AND AS AMENDED 5<sup>th</sup> DECEMBER 2000 BY DUN LAOGHAIRE HARBOUR COMPANY

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#### SECTION I: STATUTORY PROHIBITIONS (ABSTRACT)

The following, inter alia, are prohibited and made offences by the Harbours Act, 1996 and persons so offending are liable on conviction to the penalties provided for by the Harbours Act, 1996, Section 6, namely on summary conviction to a fine not exceeding €1,904-60 or imprisonment for a term not exceeding 12 months or both (Section 6(1)(a)) or on conviction on indictment, to a fine not exceeding €126,973-80 or imprisonment for a term not exceeding 2 years or both (Section 6(1)(b)).

1.	<b>Evading or attempting to evade harbour charges</b>	Harbours Act, 1996, Section 13(6).
2.	<b>Failure of the master of a ship to comply with certain directions of the harbour master</b>	Harbours Act, 1996, section 46
3.	<b>Obstructing or impeding the harbour master in the exercise of his statutory powers.</b>	Harbours Act, 1996, Section 50.
4.	<b>Breach of prohibition on bringing certain ships, vehicles and articles within Harbour.</b>	Harbours Act, 1996, Section 52.
5.	<b>Interfering with anything placed in Harbour for purpose of safety.</b>	Harbours Act, 1996, Section 53.
6.	<b>Obstructing or impeding a member of Dun Laoghaire Harbour Company's police in making a lawful arrest or who is accompanying the harbour master or another authorised member of staff while entering into a ship pursuant to statute.</b>	Harbours Act, 1996, Section 54.
7.	<b>Breaching statutory requirements re compulsory pilotage.</b>	Harbours Act, 1996, Section 60.
8.	<b>Conduct of pilot endangering ship or safety of persons.</b>	Harbours Act, 1996, Section 77.

The following, inter alia, are prohibited and made offences by the Harbours Act, 1996 and persons so offending are liable on conviction to the penalties provided for by the Harbours Act, 1996, Section 6(2), namely ,on summary conviction to a fine not exceeding €1,904-60 or imprisonment for a term not exceeding 12 months or both.

1.	<b>Refusal or failure of a master of a ship to furnish to the Harbour Company a certificate, notification, statement or account pursuant to Section 13(2)(a) and Section 13(2)(b) of the Harbours Act, 1996.</b>	Harbours Act, 1996, Section 13(2).
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2.	<b>Contravention of provisions of the Harbour Bye-Laws.</b>	Harbours Act, 1996, Section 42.
3.	<b>Refusal or failure by the master of a ship to comply with a requirement of the harbour master under Section 47 Harbours Act, 1996.</b>	Harbours Act, 1996, Section 47.
4.	<b>Failure to furnish to the harbour master a statement of the draught of a ship, failure of the master of a ship to furnish the harbour master with a statement of the take of any cargo on board the ship and the names and addresses of the person or persons entitled to take delivery thereof, or failure to bring to the notice of the harbour master any defects in, and any matter peculiar to, the ship and its machinery and equipment of which the master knows and which might materially affect the navigation of the ship or its ability to be manoeuvred.</b>	Harbours Act, 1996, Section 48.
5.	<b>Failure of the master of a ship to produce, on the request of the harbour master, for inspection by him, the documents kept in relation to the ship and its goods including insurance documents, certificates of competency, manifests, bills of lading and other documents relating to goods on board the ship.</b>	Harbours Act, 1996, Section 49.
6.	<b>Failure of the master of a ship to first notify the harbour master that he proposes to allow the ship to be navigated in a piloted district under the pilotage of an unauthorised person, or pilotage by an unauthorised person of a ship in the piloted district knowing that the pilot for the pilotage district has offered to pilot it or knowingly engaging or continuing to engage an unauthorised person to pilot the ship by the master of a ship after a pilot for the pilotage district has offered to pilot it.</b>	Harbours Act, 1996, Section 61.
7.	<b>Contravention of Pilotage Bye-Laws made pursuant to Section 71 of the Harbours Act, 1996.</b>	Harbours Act, 1996, Section 71.
8.	<b>Failure of the master of a ship to facilitate a pilot safely boarding and subsequently safely leaving the ship.</b>	Harbours Act, 1996, Section 76.
9.	<b>Various offences with respect to pilots.</b>	Harbours Act, 1996, Section 78.

## **SECTION II: DUN LAOGHAIRE HARBOUR BYE-LAWS**

Dun Laoghaire Harbour Company, in exercise of the powers conferred on that company by Section 42 of the Harbours Act, 1996, hereby makes the following Bye-Laws with respect to the use of, and the safety of navigation within, its Harbour and generally with respect to the regulation of its Harbour and property.

The Dun Laoghaire Harbour Bye-Laws given under seal of the Commissioners of Public Works on 21st Day of April 1933, and subsequent amendments thereto, are hereby revoked.

## PRELIMINARY

### 1. **Title and Commencement**

These Bye-Laws may be cited as the Dun Laoghaire Harbour Bye-Laws, 1999, and shall come into operation on the        day of                                1999.

### 2. **Division into Parts**

These Bye-Laws are divided into the following parts:

<b>Part I</b>	Interpretation
<b>Part II</b>	Navigation, Signals, Pollution and Wrecks.
<b>Part III</b>	Berths, Moorings
<b>Part IV</b>	Cargo/Goods, Boats for hire, Boat Storage Yard
<b>Part V</b>	Vehicular Traffic
<b>Part VI</b>	Harbour Police, Public Areas, Piers, Various Regulations,
<b>Part VII</b>	Penalties

### 3. **Application**

These Bye-Laws shall apply to all areas of the Harbour.

## PART I: INTERPRETATION

### 4. **Interpretation**

In these Bye-Laws, unless the context otherwise requires:

<b><i>“Singular numbers and plural numbers”</i></b>	Words denoting the singular number only shall include the plural number also and vice versa.
<b><i>“Male/Female genders”</i></b>	Words denoting the masculine gender only shall include the feminine gender also, and the word “person” shall include a body corporate.
<b><i>“the Company”</i></b>	Dun Laoghaire Harbour Company.
<b><i>“the Harbour Master”</i></b>	the person appointed by the Company as Harbour Master, including members of the staff of the Company to whom the Harbour Master delegates any of his functions under statute or under these Bye-Laws.
<b><i>“the Harbour”</i></b>	the port, ferry terminal and harbour of Dun Laoghaire, including the harbour approaches which extend 600 metres from the entrance of the harbour into Dublin Bay, and all quays, piers, landings, docks, roadways and all other works, and lands or buildings for the time being vested in or occupied or administered by the Company,.
<b><i>“the harbour”</i></b>	the port and waters of the harbour of Dun Laoghaire, including the harbour approaches which extend 600 metres from the entrance of the harbour into

Dublin Bay.

<b><i>“Berth”</i></b>	any dock, pier, jetty, quay, mooring or other place at which a vessel might lie within the harbour
<b><i>“Vessel”</i></b>	any ship, boat or other waterborne vessel or craft of any description.
<b><i>“the Master”</i></b>	when used in relation to a vessel, means any person having the command, or control of the vessel for the time being.
<b><i>“the Owner”</i></b>	when used with reference to a vessel, includes the owner, agent, master, charterer or other person in charge of that vessel and his respective servants or agents.
<b><i>“Boat”</i></b>	open boat, skiff, dinghy, punt, windsurfing board, jet-ski, racing hull or canoe, whether propelled by mechanical power, sails, oars or other means.
<b><i>“Fairways”</i></b>	the No. 1 (main) Fairway and the No. 2 Fairway, as depicted by Admiralty Chart number 1447.
<b><i>“Vehicle”</i></b>	any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles, trailers, caravans and mobile homes, and includes items which are towed, such as a boat trailer.
<b><i>“Car park”</i></b>	any area of the Harbour designated for the parking of vehicles.
<b><i>“Wreck”</i></b>	any jetsam, flotsam, lagan and derelict matter found in or on the shores of the sea or tidal water in the Harbour, or elsewhere within the Harbour.
<b><i>“Goods”</i></b>	all articles and merchandise of every description, including fish, livestock and animals.
<b><i>“Fishing Vessel”</i></b>	a vessel used for sea-fishing or for angling in the sea, on a commercial basis.
<b><i>“Skipper”</i></b>	in relation to a fishing vessel, means the person having for the time being command or charge of that vessel.
<b><i>“Passenger Boat”</i></b>	a vessel carrying not more than 12 persons for reward;
<b><i>“Passenger Ship”</i></b>	a vessel carrying more than 12 persons for reward, but which is not a fishing vessel.

***“Collision Regulations”*** The International Regulations for Preventing Collisions at Sea, 1972, which is incorporated into Irish law by the Collision Regulations (Ships and Watercraft on the Water), Statutory Instrument No. 29 of 1984, as amended.

***“Harbour Police”*** a member or members of Dun Laoghaire Harbour Police.

## **PART II: NAVIGATION, SIGNALS, POLLUTION AND WRECKS**

### **NAVIGATION**

5. The Collision Regulations shall apply in the Harbour, provided that pursuant to Rule 1(b) thereof, in the event of conflict between the said Regulations and these Bye-Laws, the latter shall prevail.
6.
  - (1) No person shall navigate or attempt to navigate a Vessel when unfit by reason of drink or drugs to do so.
  - (2) No Master or Owner of a Vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Bye-Law.
7. The Fairways shall be kept free and open. Unless otherwise directed by the Harbour Master, no Vessel entering the harbour shall anchor or moor in, or act in such a manner as to obstruct the Fairways.
8. Lobster and/or crab pots and lines are at all times to be laid clear of navigational waters, slipways and landing steps in the harbour. Elsewhere in the harbour, they are to be laid in such position as not to become an obstruction or danger to any property, including in particular, but without prejudice to the generality of the foregoing, any Vessel or mooring.
9.
  - (1) The Master of a Vessel which is not confined to the Fairways, and small pleasure craft, shall not make use of the Fairways so as to cause obstruction to other vessels which can navigate only within the Fairways.
  - (2) During the times of arrival and departure from the harbour of Stena Line ferries, and any other passenger ferries or large power-driven vessels, including ships of the Naval Service, and ships of the Commissioners of Irish Lights, all other vessels within the No. 1 Fairway, and 600 metres to seaward of the harbour entrance, shall keep well clear of the mouth of the harbour, and out of the way of the said ferries or large vessels so as not to interfere with their free and

uninterrupted passages to and from harbour berths, including manoeuvring off the berths.

10. All Vessels, except locally based pleasure craft, shall inform Dun Laoghaire Harbour office by VHF radio of the following:-
  - (a) Estimated time of arrival (ETA) at the harbour entrance at least two hours in advance of arrival, except for scheduled ferries, which must call at least thirty minutes in advance of arrival.
  - (b) Estimated time of departure (ETD) from berth at least one hour in advance of departure, which must also be confirmed five minutes before departure, save for scheduled ferries, which must notify ETD and confirm same five minutes prior to departure.
11.
  - (1) No power-driven Vessel shall exceed the speed of 8 knots or shall race or take part in any race, within the harbour.
  - (2) All power driven vessels should have electrical suppression fitted.
  - (3) The limit in paragraph (1) of this Bye-Law is not applicable to ferries or similar large power-driven vessels at the harbour entrance in strong Spring tide flows, or to RNLI or other craft whilst engaged on emergency service.
12. No person or persons shall engage or take part in water-skiing, windsurfing, aquaplaning, paragliding or similar airborne or water activities within the harbour. Speed boats and jet skis (water bikes) are restricted to the speed limit of 8 knots whilst within the harbour.
13.
  - (1) The Master of a Vessel (other than a small local fishing vessel) shall, except where the Harbour Master has granted an exemption, ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available to:-
    - (a) attend to his vessel's mooring;
    - (b) comply with any directions given by the Harbour Master for the unmooring, mooring and moving of his vessel;
    - (c) deal, in so far as reasonably practicable, with any emergency that may arise.
  - (2) Where a Vessel is at any time not capable of being safely moved by means of its own propulsion machinery, the Master or Owner shall inform the Harbour Master forthwith and shall give to him any further information which the Harbour Master may require.
14. While a Vessel is alongside a berth in the harbour, all boats and anchors shall be lifted inboard. Sails shall not be left loose at night or in stormy weather. Jib-booms of all ships or other vessels shall be rigged in if so directed by the Harbour Master.
15. No Vessel of any description shall remain afloat in any part of the harbour without being fully fitted out and seaworthy, except such craft that have suffered weather damage and are using the harbour for shelter and immediate repair works.

16. Except at specific times or occasions that may be permitted by the Harbour Master, in writing, from time to time, at no other time or occasion are racing or any other markers, floats or buoys permitted in the Fairways.
17. (1) The organiser of any regatta, championship race or any other occasion when a number of Vessels is expected to assemble on the waters of the Harbour, shall give not less than fourteen clear days' notice thereof in writing to the Harbour Master, and shall seek the consent of the Harbour Master to the holding of the event.
- (2) All regattas and championship races or similar events shall be conducted on courses and at times which have been previously approved by the Harbour Master.
- (3) Any alteration or cancellation required by the Harbour Master shall, if practicable, be notified to the organiser at least seven clear days before the proposed date of the event, but may be notified by the Harbour Master to the organiser at any time prior to the commencement of the event.
18. The Master of a Vessel, or a rod fisherman from the shore, on the occasion of any boat race, regatta, championship race, public procession or any other occasion when a number of vessels are assembled in the harbour shall not permit his vessel, or the rod fisherman his line or casting thereof, to pass therein so as to obstruct, or impede or interfere with the boat race, regatta, championship race or procession, or to endanger the safety of persons assembling in the Harbour, or to prevent the maintenance of order therein, and the Master of a vessel or a rod fisherman from the shore shall obey the directions of the Harbour Master or other persons authorised by him to superintend the execution of this Bye-Law, including members of the Harbour Police.

## **SIGNALS**

19. Ferries and the large power-driven vessels referred to in Bye-Law 9(2) shall sound:
- (a) One prolonged blast when approaching the harbour entrance in accordance with Rule 34(e) of the Collision Regulations.
- (b) A prolonged blast when departing head first from a berth.
- (c) Signals as per the Collision Regulations, when manoeuvring off harbour berths.

## **POLLUTION**

20. No person shall, except with the prior consent of the Harbour Master, pour, pump, or knowingly allow to escape within the Harbour, any dangerous, oily or offensive matter, unless such action is necessary for the purpose of securing a Vessel or of saving life and it is not reasonably practicable to obtain such consent.
21. The Master of a Vessel or any person in charge of a premises or vehicle from which any dangerous, oily or offensive matter has been poured, leaked, drained, pumped or allowed to escape within the

Harbour or who is responsible for the commission of any of the acts referred to in bye-law 20 above shall immediately inform the Harbour Master of the occurrence of same.

22. The Master of a Vessel which has sustained damage outside the harbour approach area which affects or is likely to affect her seaworthiness, or from which oil or some dangerous or flammable substance is escaping or is likely to escape, shall give notice thereof to the Harbour Master, and the vessel shall not enter the harbour, except with the permission of the Harbour Master and in accordance with his directions.
23. The Master of a Vessel in the harbour which has been in collision with or has occasioned damage to other vessels or property shall give immediate notice of the incident to the Harbour Master, and where the damage to a vessel is such that it affects or is likely to affect her seaworthiness, the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the Harbour Master and in accordance with his directions.
24. The Master of a Vessel in the harbour which has sustained damage or is on fire or from which oil or some dangerous or flammable substance is escaping or is likely to escape shall give immediate notice thereof to the Harbour Master, and the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the Harbour Master and in accordance with his directions.

## **WRECKS**

25. The Master of a Vessel which has sunk or is grounded in the harbour shall immediately give to the Harbour Master notice thereof and of the position of such vessel and such particulars as may be required for the safety of navigation in the harbour.
26.
  - (a) No person shall abandon a Vessel within the Harbour.
  - (b) For the purpose of paragraph (a) above, a person who leaves a Vessel within the Harbour in such circumstances or for such period that he may reasonably be assumed to have abandoned it, shall be deemed to have abandoned it unless proof to the contrary is promptly produced when demanded by the Harbour Master.
  - (c) The owner of any abandoned vessel as per paragraph (b) above and the owner of any wreck at the time of its sinking, stranding, grounding or abandonment shall be liable to the Company for its subsequent disposal, per Section 51 of the Merchant Shipping (Salvage and Wreck) Act, 1993.
27. Subject to the provisions of the Merchant Shipping (Salvage and Wreck) Act, 1993, no Owner, Master or other person shall break up or attempt to break up or cause to be broken up any Vessel or wreck of a vessel in any part of the Harbour, without the prior written permission of the Harbour Master having been obtained.
28. No Master or Owner of a Vessel shall permit such vessel to emit noise or fumes or smoke in breach of

current environmental regulations.

### **PART III: BERTHS AND MOORINGS**

#### **BERTHS**

29. No houseboat, or boat used for habitation, shall lie or remain in the harbour.
30. No Vessel of any description shall come or lie alongside the Carlisle Pier, St. Michael's Pier or the East Pier Berth without the prior permission of the Harbour Master.
31. The Master of a Vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay, mooring in the Harbour.
32. The Master of a Vessel which is at a quay or attached to any mooring device shall not permit the engine of his vessel to be worked in such a manner as to cause injury or damage to any other vessel or property, in particular the undermining of Harbour piers.
33. Every Vessel lying at a quay or pier within the Harbour shall be so berthed as to lie broadside to the quay or pier.
34.
  - (1) The Master and/or the Owner of a Vessel shall ensure that it is provided with sufficient fenders adequate for the size of the vessel.
  - (2) The Master of a Vessel, when the vessel is berthing or leaving a berth or is lying at a quay against other vessels, shall cause his vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels and/or other property.
  - (3) The Master of a Vessel shall not make same fast to any post, ring, fender or any other thing or to any quay or other place which is not designed for that purpose.
35. The Master of a Vessel shall so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.
36. The Master of a Vessel alongside a quay or alongside any vessel which is already berthed shall, if required so to do by the Harbour Master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.
37. No person except the Harbour Master shall for any purpose whatsoever unmoor or cast off or loose any mooring of any Vessel moored within the Harbour without the previous permission of the Owner or Master of such vessel having been obtained. No other person shall for any purpose whatsoever unmoor or cast off or loose any mooring of any vessel in the harbour without the previous consent of

the Owner or the Master of such vessel and of the Harbour Master, provided that it shall be a defence to proceedings under this Bye-Law for any person to show that he acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the Owner or Master of the vessel would in the circumstances have given his consent if he had been asked therefor.

38. The Master of a Vessel shall not place or allow it to be in such a situation as to obstruct or interfere with the access to any recognised landing place or leave it moored alongside any such landing place unattended.
39. A Vessel within the Harbour shall have sufficient access or gangways as required by current legislation.

## **MOORINGS**

40. (1) No person shall lay down any mooring, buoy, or associated tackle in the harbour without a licence agreement with the Company or except in accordance with such conditions as the Company may impose, such items to be laid in designated areas only.
- (2) A mooring, buoy or associated tackle that is unauthorised, out of position or unmarked, shall forthwith be removed by its owner or any other person claiming possession of it, if the Harbour Master so directs.
- (3) If a person fails to immediately comply with a direction made under paragraph (2) above, the Harbour Master may cause the mooring, buoy or similar tackle to be removed or sunk and he may recover the expense of so doing from that person.
- (4) In the event that the owner of a mooring, buoy or associated tackle that is unauthorised, out of position or unmarked cannot be located by the Harbour Master, after reasonable enquiry, then the Harbour Master may cause the mooring, buoy or associated tackle to be removed or sunk and shall recover the expense of so doing from the owner if he is subsequently identified.
- (5) Any Vessel made fast to a mooring, buoy or associated tackle referred to in paragraph (2) above may be removed and made fast to a quay or pier by the Harbour Master and the costs incurred in so doing may be recovered from the Owner of the vessel or in the alternative, the owner of the mooring, buoy or associated tackle.
41. So that vessels within the harbour will not be placed in danger nor damage caused to any vessel or mooring, a person shall not secure a Vessel to a mooring or to a moored vessel, except in the practice of good seamanship.

## **PART IV CARGO/GOODS, BOATS FOR HIRE, BOAT STORAGE YARD**

### **CARGO/GOODS**

42. The Master, Owner or the agent of every Vessel about to load or unload cargo or goods at the Harbour shall furnish to the Harbour Master a copy of the manifest and such particulars as to cargo, goods or passengers as the Harbour Master may require.
43. The owner of any cargo or goods loaded or discharged at the Harbour shall ensure that the same are removed from the Harbour from as soon as practicable, and in any case within forty eight hours, unless the Harbour Master otherwise agrees.
44. (1) The owner of any cargo or goods loaded or discharged at the Harbour shall comply with such directions as the Harbour Master may give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Harbour.
- (2) The Harbour Master may enter at any time any Vessel within the Harbour to inspect same, the goods on board the ship and the documents kept in relation to the vessel and its occupants.
45. The owner of a vehicle within the Harbour shall not permit any substance to leak, spill or drop from the vehicle.

### **BOATS FOR HIRE**

46. (1) No Vessel shall be let out, held out or offered for hire within the Harbour unless it has been licensed by the Company, and the vessel complies with statutory regulations and adheres to the conditions of the licence issued by the Company before commencing to convey, and at all times while conveying, passengers.
- (2) When conveying passengers, Vessels (other than fishing vessels governed by paragraph 3(b) below) must possess either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, pursuant to the Merchant Shipping Act 1992, and any amendments thereto.
- (3) (a) A fishing vessel shall be subject to paragraph (2) above of this Bye-law if it takes passengers from or lands passengers at the Harbour.
- (b) If a fishing vessel is engaged in taking parties of rod fishermen on angling trips from, or landing them, at the Harbour, by private charter or otherwise, it shall possess a valid Load Line Certificate or Load Line Exemption Certificate, as appropriate, issued by the Department of the Marine and Natural Resources.

47. The Master or Skipper of any Vessel licensed to operate passenger or fishing trips from the Harbour or to land same in the Harbour shall not allow any drunken or disorderly persons to enter their vessel and be taken on such trips, or to be landed in the Harbour, and in the case of the latter, save by prior arrangement with the Harbour Master.
48. No licensed vessel shall at any time ply or be allowed or be used for hire when, by reason of the weather or other circumstances, or non-compliance with or contravention of any of the conditions of the licence issued by the Company or the conditions attaching to any applicable Certificate from the Department of the Marine and Natural Resources, the navigation and management of the vessel, or when the embarkation or disembarkation from same, is dangerous, and in no case if forbidden for any reason by the Harbour Master.
49. The Company may at any time suspend or revoke the licence of a Vessel not kept in compliance with any of the conditions of the licence issued by the Company or where there has been contravention of any of the Bye-Laws in respect of that vessel, and in either case, the licence must be returned forthwith on demand to the Harbour Company by the Owner, Master or Skipper of the vessel.
50. Upon transfer of ownership of a Vessel licensed by the Company, the transferor shall give to the Company notice in writing of such transfer and shall surrender to it the vessel's licence to ply for hire.

#### **BOAT STORAGE YARD**

51. (1) The Harbour Boat Storage Yard (hereafter referred to as the "the Storage Yard") is available for repairing and storage of vessels, vessels' gear or furniture, only with the permission of the Harbour Master. Such permission may be given for small vessels or their gear or furniture, throughout the year, and for large vessels (subject to paragraph(2) below ) on the written undertaking of the Owner, in the form prescribed by the Company, to pay the charges fixed therefor, and to make no claim against the Company, its servants or agents for any damage, accident, or loss occasioned thereto. Property stored in the Storage Yard is stored at the owner's own risk, and is the owner's exclusive responsibility, and the Company shall have no liability whatsoever for any loss and/or damage occasioned thereto or thereby.
- (2) Between 15th May and the 15th October annually, no storage permission will be given by the Harbour Master for large vessels (being craft in excess of six metres in length) their gear, furniture, trailer or cradles to use the Storage Yard, except for short periods for repairing, painting or drying, or for other reasons deemed by the Company or the Harbour Master to be sufficient.
- (3) Large vessels, which are placed in the Storage Yard by the haulage unit/turntable, or mobile crane or road trailer shall be placed in the yard so as not to obstruct the independent movement, in or out of the yard, of any other traffic.

52. The slipways in the Harbour shall at all time be kept clear, other than at the times of launching or recovering vessels.
53. Fires shall not be lit or unprotected lights, unprotected power cables, unprotected power tools or machinery used in the Storage Yard.
54. The Storage Yard may be open at such hours as may be fixed by the Company from time to time, and access to the Storage Yard shall be restricted to these opening hours. No person shall enter or remain in any part of the Storage Yard, or any boat, hut, container or any other property therein, when the yard is closed.

#### **PART V: VEHICULAR TRAFFIC**

55. No person shall drive or otherwise operate a vehicle within the Harbour without exercising due care and attention or without reasonable consideration for other persons within the Harbour, and their property.
56. The owner of a vehicle within the Harbour shall ensure that any load carried thereon or therein is properly secured and that it complies with the statutory restrictions which apply to public roads, as to the weight of goods to be carried
57. A person having charge of a vehicle within the Harbour shall at all times comply with any directions of the Harbour Police with respect to the loading and/or discharging of goods, and the manoeuvring and removal of the said vehicle, and shall not, without the permission of the Harbour Police-
  - (a) leave the vehicle unattended anywhere within the Harbour, except when lawfully left at a car park; or
  - (b) take it into any shed or working area.
58. No person shall:
  - (1) Walk, run along or otherwise occupy a Harbour roadway or vehicular area in such a manner as to either endanger his own safety or cause a hindrance to vehicular traffic.
  - (2) save with the prior permission of the company, deposit or place on any part of the Harbour any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto;
  - (3) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus within the Harbour.

59. Any person driving or otherwise operating a vehicle which is involved in an accident within the Harbour whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the vehicle and report the accident to the company as soon as is reasonably practicable thereafter and shall give his name and address to the company.
60. Drivers of vehicles within the Harbour shall comply with the provisions of these Bye-Laws, and shall comply without delay with such directions for the regulation of traffic within the Harbour as may be given by any employee of the Company (including a member of the Harbour Police), or the Garda Siochana or which are set out in any notice displayed by the Company within the Harbour.
61. No vehicle shall remain or be left stationary on any roadway within the Harbour which is indicated as a clearway, nor shall any person park on a slipway, or contrary to any other traffic parking regulations which are indicated by notice displayed by the Company within the Harbour.
62. Vehicles shall not mount, traverse or drive along any pedestrian pathway or pedestrian area within the Harbour.
63. (a) The East Pier and West Pier are closed to vehicular traffic save for vehicles authorised by the Company.  
(b) The cycling of bicycles is permitted daily in the East Pier's lower level from sunrise to 1300 hours.  
(c) The manner of cycling such bicycles is to neither cause danger nor annoyance to pier users, and such bicycles are restricted to a maximum speed of 10 miles per hour.
64. The following vehicles are exempt from the application of these Bye-Laws:- an official vehicle being used by a member of the Harbour Police or other employee of the Company; vehicles of the Garda Siochana; an ambulance; a fire fighting appliance; designated vehicles owned by members of the RNLI or IMES when attending an emergency call-out.
65. With the exception of bicycles using a Harbour roadway which is open to public traffic, no person shall cycle or use any skateboard, roller skates, rollerblades or similar item within the Harbour, except in such places and at such times and conditions as may be designated by the Company from time to time, indicated by notices exhibited at such places.
66. (1) No person shall leave any bicycle unattended within the Harbour, except in such places as may be set aside by the Company for the parking of bicycles, at which locations parking of bicycles shall be at the owner's own risk.  
  
(2) Bicycles which are found chained to lamp posts, railings and the like within the Harbour may be removed by an employee of the Company and impounded. The owner of such a bicycle shall be liable for the costs incurred in the removal and storage of that bicycle, in addition to any penalty incurred for breach of these Bye-Laws, and such bicycle shall not be released to the owner until all monies due by him to the Company under these Bye-Laws have been paid in full.

67. No caravan, mobile home, dormobile or similar vehicle, which is used or is capable of being used for habitation, shall park or remain within the Harbour, save for vehicles which are in immediate transit to or from a ferry in the Harbour.
68. Commercial vehicles which are not engaged in business within the Harbour, or are not in immediate transit to or from a ferry in the Harbour, are prohibited from entering the Harbour. This prohibition shall not apply to commercial vehicles which are transiting the Harbour to gain access to lands adjoining same, or commercial vehicles which are transiting the Harbour under a licensing agreement with the Company.
69. Commercial vehicles within the Harbour, especially those engaged in the fishing industry, shall be kept in a clean and fresh-smelling condition.
70. Only vehicles displaying a Harbour Authorisation Permit are permitted to park in the internal allocated parking areas, provided that the Permit remains valid and its conditions of use are complied with.
71. When electronic swipe cards for operating access gates and/or doors are issued to named individuals, such swipe cards must be retained for the exclusive use of the named person. Contravention of the foregoing will result in the immediate withdrawal of a swipecard to such person.
- 72(A). A member of the Harbour Police may remove any vehicle, boat or trailer, including caravans and dormobiles, which is not parked in accordance with the regulations made by the Company or cause it to be removed to some convenient place, and there detained at the cost of the owner.
- 72(B) (1) Where a member of the Harbour Police finds within the Harbour a vehicle at rest in contravention of any regulation made by the Company, he may fix an immobilisation device to the vehicle or remove it to another place and there fix an immobilisation device or authorise any other person to take under his direction any action he could himself take by virtue of this paragraph.
- (2) When on any occasion an immobilisation device has been affixed to a vehicle in accordance with this Bye-Law, a warning notice shall also be affixed thereto indicating that:
- (a) an immobilisation device has been affixed and that no attempt should be made to drive the vehicle or otherwise put it in motion.
- and
- (b) specifying the steps to be taken to secure its release.
- (3) No person shall remove or interfere with any notice or immobilisation device affixed to a vehicle by a member of the Harbour Police.
- (4) A vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of the Harbour Police on payment, in the manner specified in the notice affixed to the vehicle under paragraph (3) above, of the sum specified in the First Schedule hereto.

**PART VI: HARBOUR POLICE, PUBLIC AREAS. PIERS.**

**VARIOUS REGULATIONS**

73. The Harbour Police are authorised by the Company to police the Harbour and to enforce and implement Bye-Laws within the Harbour, and all regulations made by the Company in relation to the Harbour.
74. While within the Harbour, a person shall not obstruct or impede or refuse to comply with a request or direction of a member of the Harbour Police, or any other Company employee acting in the exercise of his duties.
75. Where a member of the Harbour Police, or any other Company employee acting in the exercise of his duties, is of the opinion that a person is or may be in breach of these Bye-Laws, he may demand the name and address of such person and the correct name and address shall be supplied to him.
76. If the driver of a vehicle or person in charge of a vessel within the harbour does not agree to his vehicle or vessel being searched, having been requested by a member of the harbour police to allow such a search, the harbour police shall be entitled to contact the Garda Siochana and request that a search be carried out immediately.
77. No person shall deposit or throw into the harbour, or deposit on any part of the Harbour, any rubbish, oily substance or other materials whatsoever or place same in such a position that it is likely to fall, flow, blow, or drift into the harbour.
78. Litter is to be deposited only in the waste disposal receptacles which have been provided by the Company located throughout the Harbour.
79. No person shall fish from the western end of Traders' Wharf, the Marina breakwaters or from the West Pier opposite the western end of Traders' Wharf.
80. (1) No person shall while within the Harbour behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to ferry passengers or to any other persons lawfully using or being within the Harbour.
- (2) Any person in breach of paragraph (1) above, or who otherwise continues to be in breach of any of these Bye-Laws, after having received notice of the breach from any employee of the Company, including any member of the Harbour Police, may forthwith be removed from the Harbour by a member of the Harbour Police, and such removal shall not in any way excuse any such person from being subjected to the appropriate penalty or penalties for breach of these Bye-Laws.

81. No person shall, while within the Harbour:
- (1) Injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, noticeboard, road traffic signs, walls or any other property within the Harbour.
  - (2) Walk upon any flower bed or through any shrubbery.
  - (3) Climb any building, wall, pier, fence, barrier or post.
  - (4) Make any bonfire, fire or barbecue or light any fireworks, save with the prior written permission of the Company and strictly in accordance with the terms and conditions of such permission.
  - (5) Consume alcohol in the public areas of the Harbour, including the ferry terminal or have in his possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and a person under the influence of intoxicating liquor shall not be allowed to enter or remain within the Harbour.
  - (6) Throw stones or other missiles or discharge any catapult within or in the vicinity of the Harbour.
  - (7) Consume, inject, inhale or otherwise absorb controlled drugs or solvents, and a person under the influence of drugs shall not be allowed to enter or remain within the Harbour.
  - (8) Erect any tent or camp in any part of the Harbour, save the erection of marquees by Yacht Clubs upon Yacht Club property, for regatta events.
  - (9) Make improper use of an escalator or any other automatic conveyance for passengers or baggage in the ferry terminal.
  - (10) Leave baggage, goods or property unattended.
  - (11) Give false, fictitious or misleading information in any form to any employee of the company, including the Harbour Police, or refuse to give information under Bye-Law 75 herein.
82. No person shall smoke, light or burn tobacco or any other substance or otherwise bring any naked flame or light any naked flame at on or near any Vessel which is taking bunkers when moored alongside, and where prohibited by notice in all other places within the Harbour.
83. Save and excepting the proper use of any lawful distress signal or race starting gun loaded with blank cartridges, no person shall have or fire any loaded gun or other explosive within the Harbour.
84. No person shall collect money, solicit alms, beg, or busk within the Harbour, save for collections which have been authorised by written permission of the Company and at such place or places and in accordance with such conditions as are set by the Company.

85. No person shall conduct or take part in any musical or artistic performance, public gathering or meeting within the Harbour, save with the written permission of the Company and at such place or places and in accordance with such conditions as are set by the Company.
86. No person shall play ball games within the Harbour.
87. No person shall bathe in the harbour except at organised annual swims which may be authorised and appointed, at specific locations and times, by the Company and every such person bathing on such occasions shall be suitably and decently clothed.
88. (1) No commercial fisherman shall open, cut or clean fish within the Harbour.
- (2) Commercially loaded fish is to be immediately removed from the Harbour.
- (3) The skippers of fishing vessels shall store their fishing gear, pots, and equipment in such a manner on Traders' Wharf as to provide a free, safe and uninterrupted access for vehicular traffic along the entire length of the wharf at all times, and shall not store the foregoing in any other part of the Harbour.
- (4) Fishing gear, pots, and equipment shall be kept free of rotten seaweed, fish, bait and the like, so as not to create offensive odours on Traders' Wharf and all fishing pot bait shall be removed from the Harbour within 24 hours of being landed on Traders' Wharf.
- (5) The sale of fish directly to the public, from fishing vessels within the harbour, is prohibited.
89. All persons within the harbour, ashore or afloat, shall conduct themselves in a manner consistent with public decency.
90. No person shall sell, or offer for sale, ice-cream or any other food or article whatsoever, or operate any commercial or business venture whatsoever within the Harbour, save with the prior written permission of the Company and at such place or places and in accordance with such conditions as may be set by the Company.
91. No person or organisation shall post bills, distribute leaflets, display or erect signs, posters, notices, hoardings or the like within the Harbour, save with the prior written consent of the Company.
92. No person or organisation shall film, photograph or otherwise record for commercial use, within the Harbour, save with the prior written consent of the Company and at such place or places and in accordance with such conditions as may be set by the Company.
93. (1) No person shall bring into or allow to remain within the Harbour any dog unless it is on a leash and no person shall, anywhere within the Harbour where a notice prohibiting the admission of dogs is exhibited or displayed, cause or allow any dog in their charge to enter or remain there.

(2) Every person in charge of a dog within the Harbour shall prevent it from causing any injury or annoyance to any person within the Harbour and from worrying, chasing, injuring or disturbing any person, animal, bird or other creature within the Harbour.

(3) Every person bringing a dog to the Harbour shall be responsible for its conduct and shall be solely and exclusively liable for any damage or injury which may be caused by it while within the Harbour. Any person in charge of a dog within the Harbour shall immediately remove same from the Harbour if so directed by any company employee, including any member of the Harbour Police

(4) If a dog defecates within the Harbour, the person in charge of the dog shall immediately remove the faeces and deposit it in a litter bin or other receptacle which may be designated for this purpose. Blind persons with their guide dogs are exempt from this paragraph of these Bye-Laws.

(5) A person shall not cause or allow any dangerous dog, as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations, 1991 and any amendment thereto, in their charge to enter or remain within the Harbour unless such dog is at all times kept muzzled while within the Harbour.

94. No person shall turn out to graze within the Harbour, or allow or suffer to stray or remain within the Harbour, any horse or other beast of burden.

95. No person shall lead, walk or ride a horse or other beast of burden within the Harbour, except when the animal is hauling a vehicle on a roadway open to public traffic. All such vehicles and their beasts of burden shall remain accompanied by and be kept in charge by their drivers for the duration of their presence within the Harbour.

#### **PART VII: PENALTIES**

96. (1) Any person who breaches or contravenes or otherwise fails to comply with any of these Bye-Laws (including, without prejudice to the generality of the foregoing, any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-Laws or under Statute), shall be, guilty of an offence and shall be, at the discretion of the Company:

(a) served with a notice by the Company specifying a fixed payment, as per the Scale Table contained in the First Schedule hereto, in respect of the said breach or contravention. Notice of the fixed payment shall be in the general form of the notice in the Second Schedule hereto;

and/or

(b) prosecuted by the Company for breach of these Bye-Laws, and the penalties which may be imposed on conviction are those which are set out in Section 6 of the Harbours Act 1996, and any amendment thereto.

(2) Any breach, contravention, or failure to comply with any of these Bye-Laws, should the breach, contravention, or failure to comply continue for a period in excess of 24 hours, shall be a separate offence and liable to a further fine, and this shall apply to each consecutive period of 24 hours.

(3) In any prosecution for breach of these Bye-Laws it shall be a defence for the person charged to prove:

- (a) that he had a reasonable excuse for his act or failure to act; or
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such a breach.

(4) If in any case the defence permitted by paragraph (3) above involves the allegation that the commission of the offence was due to act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, at least fourteen clear days before the hearing, he has served on the Company written notice giving such information as he is aware of concerning the identity and identifying or assisting in the identification of that person as was then in his possession.

#### **FIRST SCHEDULE**

**Scale Table of Fines which may be imposed by the Company as a penalty for breach or contravention of any of these Bye-Laws, provided that payment is made to the Company within twenty-one days of service of a notice on an offender, in default of which the statutory penalties specified in Section 6 of the Harbours Act 1996 (and any amendment thereto) may be relied upon by the Company in a prosecution of an offender:**

<b>Level A</b>	<b>€35</b>
<b>Level B</b>	<b>€70</b>
<b>Level C</b>	<b>€280</b>

etc.

**Bye-laws to which Level A applies:**

Nos. - 8, 10, 14, 16, 17, 28, 33, 34, 55, 57, 61, 63, 66, 67, 71, 72(A), 79, 80, 84, 85, 86, 87, 90, 91, 92, 93, 94.

**Bye-laws to which Level B applies:**

Nos. - 11, 12, 13, 18, 19, 26, 29, 31, 32, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 58, 59, 60, 62, 64, 69, 70, 72(B), 73, 75, 76, 78, 81, 82, 83, 88, 89, 95, 96.

**Bye-laws to which Level C applies:**

Nos. - 6, 7, 9, 15, 20, 21, 22, 23, 24, 25, 27, 30, 35, 38, 49, 51, 56, 68.



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