



Comhairle Chontae na Gaillimhe
Galway County Council

Draft Beach Bye-Laws 2022

Galway County Council

Beach Bye-Laws 2022

Galway County Council (hereinafter called “the Council”) in exercise of its powers under Part 19 of the Local Government Act, 2001 and every other power on that behalf hereby makes the following Bye-Laws.

PART 1: PRELIMINARY

Short Title

1. These Bye-Laws shall be known as the Galway County Council Beach Bye-Laws 2022

Area of Application

2. These Bye-Laws shall apply to the beaches specified in the Schedules and Maps to these Bye-Laws, excluding public roadways and public car parks at these locations

Commencement

3. These Bye-Laws shall come into force on the

Galway County Council Beach Bye-Laws, 1997, made on 28/04/1997, are revoked with effect from.....

Interpretation

4. In these Bye-Laws, the following definitions shall apply:

“The Council” means the County Council of the County of Galway.

“The consent of the Council” means the permission in writing of an authorised person.

“Licence” means trading licence approved in writing by the council.

“The Act” means the Local Government Act 2001.

“Authorised Person” means any person, including any employee of the Council, designated in writing by the Council and the Garda Síochána for the purposes of these bye-laws

“Beach” means the foreshore and every beach, bank, cliff, sand dune, every natural accumulation of sand and/or stones and/or shingle and every area contiguous thereto which is under the control and management of the Council, together with the foreshore waters for a distance of 300 metres seaward from the low water mark.

“Assistance Dog” means a dog that has been specifically trained to assist a person with a disability.

“Barbeque” means a device which is used for cooking in the open air.

“Blue-Flag Beach” means a beach, or section of beach, which has been awarded Blue-Flag status by the Foundation for Environmental Education (FEE)

“Foreshore” means the bed and shore, below the line of high water of ordinary or medium tides, of the sea and of every tidal river and tidal estuary and of every channel, creek, and bay of the sea or of any such river or estuary.

“Inflatable Water Device” means any device, including an inflatable water toy, which is capable of being inflated and intended for use in shallow water and/or a swimming pool and which is capable of carrying or supporting a person in water, but does not include inflatable kayaks and inflatable stand-up boards suitable for use in inshore coastal waters

“In Writing” includes via email or other similar electronic means of written communication

“Horse” includes pony, donkey and mule

“Kite Board” means a board used for surfing with the assistance of a kite allowing the operator to sail along waves as well as down them

“Nuisance” means unreasonable interference with or disturbance or annoyance to any person in the exercise of his/her rights

“Off-Road Vehicle” means any mechanically propelled vehicle or pedal cycle designed, adapted or used exclusively or predominantly for off-road travel, including beach buggies, mechanical quad bikes and scramblers

“Overnight” means between the hours of 21.00 and 09.00 Monday to Sunday inclusive

“Permit” has the same meaning as “Consent of the Council”

“Fast power craft” means a pleasure craft (other than a personal watercraft) the principal means of propulsion of which is derived from a mechanical power source and which attains or can attain a speed through or over the water equal to or exceeding 17 knots, whether engaged in towing other appliances or not, and includes craft that are capable of being driven on land as well as on water.

“Personal Watercraft” means a craft of less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of a hull.

“Power craft” means a pleasure craft, whose principal means of propulsion is derived from a mechanical power source and which attains or can attain a speed through or over the water, not exceeding 17 knots, whether engaged in towing other appliances or not.

“Sail Board” means a board with a sail attached allowing the operator to sail along waves as well as down them

“Summer Season” means the period from the 1st June to 15th September inclusive each year

“Surf Board” means a board used to surf using wave energy as a means of propulsion

“Swimming” includes floating, paddling, fishing or otherwise being in the sea for leisure purposes

“Water Sport Activities” includes sports or activities that are undertaken in or near water includes but not limited to swimming, surfing, kayaking, paddleboarding and water-skiing

“Exercise classes” includes activities but not limited to group fitness classes that are undertaken on the beach including aerobics, boot-camp, HIIT, yoga and pilates

PART 2: PROHIBITED ACTS

No person shall do or cause any of the following acts on the beaches listed in Schedule one:

- (a) Obstruct, hinder or interfere with an authorised person or member of An Garda Síochána in implementing the provisions of these Bye-laws

- (b) Fail to fully comply with any direction or instruction of the Galway County Council Lifeguard Service
- (c) Cause an obstruction to or interfere with any lifeguard services which may be provided at a beach
- (d) Interfere with, disturb or damage any life buoy, lifesaving equipment, lifeguard station, public convenience, sand dune, vegetation or any equipment, structure, facility, information plate, notice board, sign, flagpole, litter receptacle, or anything provided there by the Council or any authorised person or body
- (e) Light an open fire or do anything which may cause damage by fire
- (f) Damage any grass, sand dunes, plants, shrubs, wall railing or fence on or along the beach
- (g) Paint, write, cut or carve or in any manner inscribe letters, figures or marks upon any rock, wall or any structure
- (h) Deposit or remove any soil, sand, stones or similar material
- (i) Deposit any rubbish or any item of litter as defined in the Litter Pollution Act, 1997, As amended
- (j) Cause a nuisance or engage in behaviour or activity likely to cause a nuisance
- (k) Cause a nuisance or danger to people on the beach by playing any game or sport in such a manner as to cause nuisance or danger
- (l) Drive, bring to, place on, leave on, or park any motor vehicle, motorcar, motor cycle, van, trailer, campervan, caravan, mobile home, off-road vehicle, carriage, truck, wagon, lorry, all terrain vehicle, quad bike, or other mechanically propelled vehicle on the beach or dune system appurtenant to the beach with the exception of areas on non Blue Flag Beaches as delineated on the attached map.

(This Bye-Law shall not apply to vehicles operated in the course of duty of the Council, An Garda Síochána, National Ambulance Service, Defence Forces, Naval Service, Civil Defence, Coast Guard, Customs and Excise, Revenue Commissioners or any vehicles involved in bona fide law enforcement, emergency or rescue missions)

- (m) Encamp, erect or cause to be placed or erected on the beach, dune system appurtenant to the beach, on a road or car-park any tent, caravan, campervan, or other temporary dwellings
- (n) Save in accordance with a licence issued by Galway County Council, place any object on the beach for the purpose of sale or hire including any booth, stand, stall, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail board, lilo, sails, equipment, jet ski or other water craft
- (o) Save in accordance with a licence issued by Galway County Council, exhibit any advertising board, placard, wares, merchandise or play amplified music on the beach or organise, stage, or hold any public, sporting or commercial event on the beach
- (p) Between the hours of 11am and 7pm each day during the summer season it shall be prohibited to bring a dog onto any part of a beach as delineated, with the exception of any footpath or designated walkway within the inland beach area.

Before 11am and after 7pm each day during the summer season a dog may be brought onto a beach on condition that it is all times on a leash, it is not causing annoyance, danger or nuisance to any person using the beach or worrying, chasing, injuring or disturbing any animals, birds or other creatures on the beach, and its faeces is removed and deposited in a suitable receptacle.

(This Bye-law does not apply to guide dogs, assistance dogs, dogs kept by An Garda Síochána and under the control of a member of An Garda Síochána in the execution of his/her duties or dogs kept by the Customs and Excise Service and under the control of a member of the Customs and Excise Service in the execution of his/her duties)

- (q) Bring onto or ride, wash, drive or lead any horse on the beach

(This Bye-law does not apply to horses kept by An Garda Síochána and wholly used by an employee or member of An Garda Síochána while on duty or to horses or ponies brought onto any beach in accordance with a permit or other approval granted by the Council or any other statutory body authorised to permit such activity)

- (r) Bury animals on the beach
- (s) No person shall wind surf on sail boards or kite-surf on kite boards or surf on a surf board or use a canoe, kayak, dinghy, stand-up paddle board or water bike in close proximity to bathers.

The Council may at its discretion designate areas of any beach in and at which the use of surf boards and/or kite boards and/or sail boards and/or canoes and kayaks and/or dinghies and/or stand-up paddle boards and/or water bikes is restricted or prohibited

- (t) Sell, supply or otherwise offer for sale or supply for monetary reward or otherwise tuition in exercise classes, surfing or other water-sports activities from a beach, or contiguous area, unless a valid permit has been obtained in advance from the Council and the activity is conducted in accordance with the conditions of such permit and in accordance with the standards specified by Water Safety Ireland, and the necessary accreditation/registration by the Irish Surfing Association and/or other body recognised by the Council to issue such standards and/or accreditation/registration.
- (u) No person shall use of an inflatable water device, including any inflatable lilo or inflatable water toy on open water
- (v) On the beaches specified in schedule one, no person shall in the interests of the safety of swimmers, use a personal water craft, power craft and fast power craft within 300m of the low water mark at the time of use, except for the purpose of rescue
- (w) No person shall make any movie or film on a commercial basis on a beach except with the consent of the Council and subject to the terms and conditions of such consent

PART 3: GRANTING OF LICENCES/PERMITS

- (a) The Council may, at its sole discretion, grant a permit subject to such conditions as the Council shall deem appropriate, for the use of part or parts of the beach for the purpose of selling, hiring or offering for sale any article, commodity or thing whatsoever
- (b) A person who applies to the Council for a permit shall furnish to the Council the information requested in the application form together with such other information as the Council may request for the purpose of the exercise of its powers and functions under these bye-laws
- (c) On the granting of a permit the applicant shall pay a fee of €80 per square meeting of beach per summer season or part thereof in respect of which the licence is granted to a maximum payment of €300
- (d) A permit granted by the Council shall in no way be deemed to implicate or involve the Council, its officers or employees or agents in any liability or responsibility in

respect of criminal, unlawful, illegal, wrongful or negligent act or omission done by any person(s) to whom such permission was granted or by their servants or agents or employees

- (e) The Council may, by notice in writing, revoke, suspend, alter, amend or limit the terms and any conditions of an issued permit
- (f) A permit may be granted for such period as the Council may determine
- (g) A permit granted by the Council shall not relieve from personal responsibility or liability any person(s) to whom such permission was granted in respect of any criminal, unlawful, illegal or negligent act or omission for which such person(s) may at any time be sued or charged
- (h) The Council reserves the right to refuse any application. An applicant may appeal a decision of the Council by writing to the relevant Director of Service within one month of the refusal of the application

PART 4: AUTHORISED PERSON AND OFFENCES

- (a) An authorised person or a member of an Garda Síochána may take appropriate action to enforce these Bye-laws and to take any other such action as may be deemed necessary in the enforcement of these bye-laws
- (b) An authorised person may issue on-the-spot-fines of €75.00 for breach of the bye-laws or for breach of any conditions of a permit(s) issued under these bye-laws
- (c) Any person who contravenes any provision of these Bye-Laws or any permit or conditions of any permit granted under these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.60
- (d) If the contravention of a provision of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €126.97 per day
- (e) An authorised person or member of an Garda Síochána may request any person who appears to be contravening or to have contravened a provision of these Bye-laws to refrain from such activity and may remove any person failing to comply with such request

- (f) Any person who contravenes any provision of these bye-Laws or who obstructs or impedes or refuses to comply with a request of an authorised person or member of an Garda Síochána made in the course of enforcing compliance with the provisions of these Bye-Laws shall be guilty of an offence
- (g) Where an authorised person or a member of an Garda Síochána is of the opinion that a person is committing or has committed an offence to which these Bye-laws relate, he/she may demand the name and address of such person and if that demand is refused or the person gives a name and address which is faulty or misleading that person shall be guilty of an offence. Where a Member of an Garda Síochána is of the opinion that a person is committing or has committed an offence to which this section relates, that member may arrest the person without warrant
- (h) If requested to do so, an authorised person under these bye-laws shall produce evidence of his/her appointment as an authorised person for the purpose of the bye-laws

PART 5: OTHER

- (a) Nothing contained in or done under any of the provision of the foregoing bye-laws shall in any respect prejudice or injuriously effect the rights and interests of the State in the foreshore
- (b) Beach bye-laws will apply to other nominated designated bathing areas and new Blue-Flag beach areas as the designation arises

Schedule One – Beaches

Connemara MD

- Trá na bhForbacha, Baile na hAbhann
- Trá na mBan, An Spidéal
- Céibh an Spidéal
- An Trá Mór, Coill Rua, Indreabhán
- Trá an Dóilin, An Ceathrú Rua
- Trá ag Cill Mhuirbhígh, Inis Mór, Oileann Árann
- Trá ag Inis Oírr, Inis Oírr, Oileann Árann
- Trá ag Bearna, Rinn na Mara
- Trá Fornais, Leitir Mealláin
- Beach at Clifden in the townland of Clifden Demesne
- Gurteen Beach, Roundstone
- Dogs Bay Beach, Roundstone
- Callowfinish Beach, Ardmore in the townland of Callowfinish
- Omev Beach in the townlands of Claddaghduff, Patches, Cartoorbeg and Sturakeen
- Rossadillisk Beach, Cleggan in the townland of Rossadillisk
- Cleggan Beach, Cleggan in the townland of Trean
- The White Strand Beach, Renvyle in the townland of Tullybeg
- Tran na mBan, Gurteen, Renvyle in the townland of Tullymore
- Lettergesh Beach, Renvyle in the townlands of Lettergesh West and Lettergesh East
- Glassillaun Beach, Renvyle in the townland of Glassillaun
- Bunowen Beach, Ballyconneely

Loughrea-Gort MD

- Tracht Beach, Kinvara in the townland of Dooras
- Long Point at Loughrea
- Portumna

Made and Adopted under the Official Seal of Galway County Council

Dated this _____

Day of _____, 2022

Present when the Common Seal of Galway County Council was affixed hereto:

Cathaoirleach of the County of Galway