

**COMHAIRLE CHONTAE NA GAILLIMHE  
GALWAY COUNTY COUNCIL**



Comhairle Chontae na Gaillimhe  
Galway County Council

**Bye-Laws for the Regulation of Inis Oírr Harbour 2021**

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## **1 Authorisation and Commencement**

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### **1.1 Administrative Area**

Galway County Council, being the Local Authority whose administrative area includes Inis Oírr, Oileáin Árann, in the County of Galway and has under its control **Inis Oírr Harbour**, in exercise of the powers conferred on it by Part 19 (Bye-Laws) of the Local Government Act, 2001 as amended by the Local Government Reform Act 2014, , and by virtue of Section 89 of the Harbours Act, 1996 and Sections 13, 42 and the sixth schedule of the said Harbours Act as amended, hereby make the following Bye-Laws.

### **1.2 Citation of Bye-Laws**

These Bye-Laws may be cited as the Bye-laws for the Regulation of Inis Oírr Harbour, County Galway and shall apply to “the Harbour” as defined at Section 2 hereof.

### **1.3 Operation Date**

These Bye-Laws shall come into operation on \_\_\_\_\_.

## **2 Definitions**

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In these Bye-Laws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

### **2.1 The Local Government (Water Pollution) Act**

“The Local Government (Water Pollution) Act” means the Local Government Water Pollution Act, 1977, as amended by the Local Government (Water Pollution) (Amendment) Act, 1990, and any amendments thereof or regulations thereunder.

### **2.2 The Safety, Health and Welfare at Work Act**

“The Safety, Health and Welfare at Work Act” means the Safety, Health and Welfare at Work Act, 2005, and any amendments thereof and regulations thereunder.

### **2.3 The Local Government Acts**

“The Local Government Acts” mean the Local Government Act 2001 and the Local Government Reform Act 2014 and any amendments thereof or regulations made thereunder.

### **2.4 The Harbours Acts**

“The Harbours Acts” means the Harbours Act, 1996 and any amendments thereof or regulations made thereunder.



## **2.5 The Maritime Safety Act**

“The Maritime Safety Act” means the Maritime Safety Act, 2005 and any amendments thereof or regulations thereunder.

## **2.6 The Litter Pollution Act**

“the Litter Pollution Act” means the Litter Pollution Act, 1997, and any amendments thereof or regulations thereunder.

## **2.7 The Regulations**

“The Regulations” mean the Local Government Act, 2001 (Bye-Laws) Regulations 2006 and any amendments or modifications thereof.

## **2.8 The Dumping at Sea Act**

“The Dumping at Sea Act” means the Dumping at Sea Act, 1996 and any amendments thereof or regulations thereunder.

## **2.9 The Animal Health and Welfare Act**

“The Animal Health and Welfare Act” means the Animal Health and Welfare Act 2013 and any amendments thereof or regulations made or applied thereunder

## **2.10 The Collision Regulations**

“the Collision Regulations” means the International Regulations for Preventing Collisions at Sea 1972, together with any subsequent additions, amendments or deletions thereof

## **2.11 Local Authority**

“Local Authority” means, for the purpose of these Bye-Laws, Galway County Council.

## **2.12 Competent Person**

A “Competent Person” is a person who, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken

## **2.13 Berthed**

“Berthed” when used in relation to a Vessel means secured to a pier, quay, wall, bank, pontoon, stage or dolphin, or to any other Vessel so secured

## **2.14 The Harbour**

“the Harbour” means the coastal waters at Inis Oírr Bay inclusive of Inis Oírr Pier, that are delineated in red on the map thereof annexed hereto and

situated between the High-Water Mark (HWM) and the outer limits of the Harbour as on the said map that is sealed with the Seal of Galway County Council (Appendix 1)

### **2.15 Fairway**

“Fairway” means any navigable channel within the Harbour

### **2.16 Harbour Master**

“Harbour Master” in the context of these Bye-Laws means the person appointed in writing by Galway County Council as Harbour Master and/or any other “Authorised Person” as defined herein

### **2.17 Authorised Person**

“Authorised Person” means a person for the time being authorised in writing by Galway County Council pursuant to section 204(1) of the Local Government Act 2001. A member of An Garda Síochána is also an Authorised Person pursuant to the provisions of section 204(1) of the Local Government Act 2001.

### **2.18 Vessel**

“Vessel” means a waterborne craft of any type whatsoever whether self-propelled or not and any other thing constructed or adapted for floating on, manoeuvring on or being submersed in water

### **2.19 Exempted Vessel**

“Exempted Vessel” means a Vessel that is not a Ferry and is not engaged for commercial gain in the conveyance of passengers or goods by sea

### **2.20 Moored**

“Moored” when used in relation to any Vessel, means any Vessel:

- a. made fast to a mooring chain or mooring buoy either ahead or astern or both at a mooring that is provided for that purpose; or
- b. made fast against any other Vessel so made fast; or
- c. made fast both ahead and astern by anchor in a position in the Harbour

### **2.21 Mooring**

“Mooring” includes any pile, pontoon or other like structure, anchor, cable or other tackle intended for the securing of Vessels whether or not owned or provided by Galway County Council and includes anchoring.

### **2.22 Fish**

“Fish” has the meaning assigned to it in the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) as amended

### **2.23 Master**

“Master” in relation to a Vessel, means the person having command, management or charge of the Vessel for the time being, but does not include a pilot

### **2.24 Goods**

“Goods” include Fish, Fish boxes, livestock, animals, minerals, wares, chattels, ballast, building materials, household goods, sand, gravel and dredging materials in addition to merchandise of every description

### **2.25 Vehicle**

“Vehicle” includes any “mechanically propelled vehicle” as defined in accordance with the terms of the Road Traffic Act, 1961 and also includes any horse and/ or horse-drawn hackney carriage, jarvey car, jaunting car or towed item such as a boat trailer

### **2.26 Plant**

“Plant” means every vehicle, engine, bike, motorbike, truck, signal lamp, machinery, crane, shearlegs, weighing machine, tap, valve, hydrant, valve pit, hydrant pit, capstan, buoy, dolphin bollard, gear, machine, fire call, ladder, scaffolding, implement, apparatus, fitment and appliance in the Harbour.

### **2.27 Jet Ski**

“Jet Ski” means a power-operated pleasure craft or personal water craft, propelled by water jet capable of travelling at high speed.

### **2.28 Fast Power Boat**

“Fast Power Boat” means a power-operated craft other than a jet ski capable of travelling at high speeds whether engaged in towing other appliances or not.

### **2.29 Ferry**

“Ferry” means a Vessel, engaged either exclusively or otherwise in the conveyance of Passengers or Goods by sea, whose Owner is both licensed by the Department of TransHarbour, Tourism and SHarbour and holds a valid “Permit” issued by Galway County Council to carry such Passengers or Goods to or from “the Pier”.

### **2.30 Ferry Operator**

“Ferry Operator” means the individual, individuals or company responsible for a Ferry.

### **2.31 Owner**

“Owner”,

- a. when used in relation to a Vessel, includes any part-owner, broker, agent, mortgagee or charterer in possession of such Vessel, or other person or persons entitled for the time being to possession of the Vessel;
- b. when used in relation to Goods (as hereinafter defined), includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of such Goods and also includes any other person in charge of the Goods and his agent in relation thereto; and
- c. when used in relation to a Vehicle or item of Plant, includes any part-owner, agent or other person having charge of the Vehicle for the time being.

### **2.32 Length**

“Length” where used in relation to a Vessel as described herein means the overall length measured from bow to stern.

### **2.33 The Pier**

“the Pier” means Inis Oírr Pier, as defined by the area outlined in red on the said map that is sealed with the Seal of Galway County Council (Appendix 1)

### **2.34 The Slipway**

“the Slipway” means Inis Oírr Slipway.

### **2.35 Quay**

“Quay” means any quay, wharf, jetty, dolphin, landing stage, slipway or other structure used for berthing or mooring Vessels, and includes any pier, roadway or footway immediately adjacent and affording access thereto.

### **2.36 Passengers**

“Passengers” mean persons using a Ferry as defined herein.

### **2.37 The Islands**

“The Islands” means the Aran Islands, County Galway located off the West Coast of the County of Galway

### **2.38 Laid-Up Vessel**

Vessels that are said to be Laid-Up if they are not in active service; out of commission for fitting out, awaiting better markets, needing work for classification or not registered or not licensed or deregistered, hulks or derelicts.

### **2.39 The Waiting Area**

“The Waiting Area” means the area to be agreed in writing with the Ferry Operator and Galway County Council before a “Permit” is issued. Galway County Council will delineate this area, within which the Ferry Operator must subsequently ensure that all Passengers queuing for his Ferry do so in an orderly and safe manner prior to departure.

### **2.40 Operating Agreement**

“Operating Agreement” means the agreement containing the conditions subject to which the Permit Holder is authorised by the Permit and the said Operating Agreement shall be in the form set out in the Third Schedule hereto.

### **2.41 Permit**

“Permit” means the document issued by Galway County Council to the Ferry Operator that prescribes the conditions under which a Ferry must operate within “the Harbour”.

### **2.42 Shed**

“Shed” the word shed shall mean any shed, store, silo or other structure owned or controlled by Galway County Council and used for the reception of goods imHarboured and for exHarboured or for any other use.

### **2.43 Deleterious Substance**

“Deleterious Substance” includes all polluting matter, sewage effluent and other trade effluents as defined in the 1977 Act and also includes bilge water.

### **2.44 Singular and Plural**

Words importing the singular number shall include, where the context so admits, the plural number, and words importing the plural number shall include, where the context so admits, the singular number

### **3 Movement of Vessels in the Harbour**

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#### **3.1 Navigation**

##### **3.1.1 Harbour Master / Authorised Person's control**

Vessels within the Harbour shall at all times and in all respects be subject to the control of the Harbour Master / Authorised Person whose directions shall be obeyed by the Master of any such Vessel.

##### **3.1.2 Harbour Master / Authorised Person's directions**

A direction from or requirement by the Harbour Master / Authorised Person to the Master of a Vessel shall not either extend or diminish any responsibility for exercising due care and attention in relation to his Vessel or its cargo or release him from compliance with the International Regulations and/ or the Collision Regulations.

##### **3.1.3 Navigate in a seamanlike manner**

The Master of a Vessel approaching, entering, leaving and/ or moving within the Harbour shall ensure that such Vessel is navigated in a proper and seamanlike manner so as not to endanger the lives of or cause injury to persons or damage to property and not to obstruct or prejudice the navigation, manoeuvring, loading or discharge of Vessels or cause unnecessary damage to the Pier or other property. At all times, such Vessel shall be subject to the Collision Regulations and Maritime Regulations and navigated at a speed that is not in excess of the Speed Limit of 5 Knots.

##### **3.1.4 Patrolling, Gardaí, etc**

This Bye-Law shall not apply to any Vessel on any occasion when involved in bona fide law enforcement, emergency or rescue missions or being used for patrolling, police, fire- fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the Vessel for the purpose for which is being used on that occasion.

##### **3.1.5 The faster Vessel overtaking the slower**

A mechanically propelled vessel shall not race or attempt to strive or race against another vessel, nor shall any Vessel attempt to come in the wake of another Vessel, or pass one proceeding in the same direction, except at a safe distance, and the slower Vessel shall allow the faster moving Vessel freely to pass on her Harbour side.

##### **3.1.6 Regulating course and Speed of Vessel**

The Master of any Vessel when approaching any dredger, lighter, diving apparatus or any other Vessel which may be stationary in any part of the Harbour, or when approaching any barge, tender, ferry or other small craft whether stationary or in motion shall so regulate the course and speed of his Vessel as not to damage or interrupt the dredging or diving nor to injure or

endanger the safety of such dredger, light tender, lighter, diving apparatus, divers or other Vessel, barge, tender, ferry or small craft.

### 3.1.7 Vessel running foul

The Master or Owner of a Vessel shall not negligently or wilfully permit the Vessel to run foul of the Pier, Slipway or any of the Quays, jetties, slips, perches, buoys, works, Plant, fixtures or other Vessels or property in the Harbour.

### 3.1.8 Communication from the Pier

No person other than the Harbour Master / Authorised Person shall (by hailing, calling, or communicating otherwise from the Pier, Slipway or any other part of the Harbour) attempt to regulate, control or alter the movement of any Vessel within the Harbour.

### 3.1.9 Lifeboat Access

No vessel shall berth alongside the pier in a manner which would block access to the pier steps. The section of the pier at the pier stairway is to be kept clear of all vessels to allow for access of Lifeboats and any emergency vessels.

### 3.1.10 Directions to Berth

The Harbour Master / Authorised Person may decide to direct the Master of a Vessel to berth, moor or move such Vessel and in the event that either:

- a. such a direction is not obeyed;
- b. there is no person on board; or
- c. the Master cannot be found after reasonable enquiry;
- d. the Master is unable to perform directed task through ill health, incapacity or intoxication;

the Harbour Master / Authorised Person may arrange for the mooring, berthing or moving of the Vessel as the case may be at the Owner's risk. In all instances, the cost thereof shall be charged against the Master or Owner of the Vessel and be recoverable as a simple contract debt in any court of competent jurisdiction.

### 3.1.11 Incorrect use of the Fairway

The Master of a Vessel irrespective of its size (other than a Vessel that is directed by the Harbour Master / Authorised Person to anchor or moor therein) shall not use a Fairway in a manner so as to obstruct, endanger or otherwise impede other Vessels which require that Fairway for navigation.

### 3.1.12 Navigation by sail and mechanical means

Vehicles capable of navigation by both sail and mechanical means shall navigate by mechanical means in and within 300m of the Harbour.

### 3.1.13 Responsibility

Masters shall be fully responsible for the safe berthing or mooring of their Vessels.

### 3.1.14 Competent Person on Board

The Master of a Vessel when underway in the Harbour shall ensure that at least one Competent Person is constantly on board for the navigation and management thereof.

### 3.1.15 Indemnity of Galway County Council

Operators of Vessels are also obliged to indemnify Galway County Council and the Minister for Marine in respect of any accidents that may arise as a result of commercial activities carried out by them on a Quay or at the Harbour. If requested, they must produce evidence to Galway County Council that their Insurance Policies fully indemnify Galway County Council in respect of all claims by third parties or their personal representatives and dependants, under the Civil Liability Act, 1961 as amended or any other statute or common law, for injuries, loss or damage to such third parties or their property.

### 3.1.16 Influence of drink or drugs

A Master or any other person shall not navigate a Vessel in the Harbour whilst under the influence of drink or drugs.

## **3.2 Arrival / Departure within the Harbour**

### 3.2.1 Report expected arrival

The Master or Owner of a Vessel, other than a local fishing Vessel or a fishing Vessel of a registered Length of 29 metres or less or of a net register tonnage of 61 tonnes (169.80 cubic metres) or less shall, at least two hours prior to arrival at the Harbour, report the expected arrival together with particulars as to tonnage and draft of the Vessel to the Harbour Master / Authorised Person who shall assign a berth to the Vessel if such be available.

### 3.2.2 Notice of intention to remove a Vessel

The Master of a Vessel, other than a fishing Vessel, of a Length of 29 metres or less or of a net register tonnage of 61 tonnes (169.80 cubic metres) or less, before removing the Vessel from a berth in the Harbour, shall give notice of his intention to do so to the Harbour Master / Authorised Person.

### 3.2.3 Harbour Master / Authorised Person's consent

No Vessel shall be moved from one berth to another except with the prior consent of the Harbour Master / Authorised Person. Provided always that if the person is unable after reasonable enquiry to find the Harbour Master / Authorised Person and the movement of the Vessel is in accordance with the practice normally approved by the Harbour Master / Authorised Person, the



Vessel may be moved. In all such instances, the Master must leave (at the address of the Harbour Master / Authorised Person) notice of intention to move the Vessel setting out its name and the berth to which it is proposed to move the Vessel.

### 3.2.4 Control Procedures and refused entry

For the purpose of controlling the quantity, type and size of Vessels, Vehicles, Plant and Goods entering through the Harbour, using the Quay facilities, the Harbour Master/ Authorised Person reserves the right to implement control procedures or permit or may even refuse entry to the Harbour or Quay facilities of Vessels, Vehicles, Plant and Goods or if deemed necessary.

## **3.3 Notification of Accidents**

### 3.3.1 Master to report accident

The Master of a Vessel which:

- a. has been involved in a collision with any other Vessel or property, or has been sunk or grounded or become stranded within the Harbour; or
- b. by reason of accident, fire, defect or otherwise is in such condition as to affect its safe navigation or to give rise to danger to other Vessels or property; or
- c. in any manner gives rise to any obstruction to a Fairway; or
- d. has discharged any Deleterious Substance; or
- e. has jettisoned or lost any object that potentially obstructs the Fairway; or
- f. has experienced a “near miss”, which could have resulted in any of the incidents in (a) to (e) above or any other incident with potentially serious consequences;

shall as soon as reasonably practicable (but no more than 24 hours later) report the occurrence to the Harbour Master / Authorised Person, provide him with full details in writing and, where the damage to the Vessel is such as to affect or is likely to affect its seaworthiness, the Master shall not move the Vessel except to clear the Fairway or to berth, moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master / Authorised Person.

## **4 Vessels at Rest in the Harbour**

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### **4.1 General**

#### 4.1.1 Harbour Master / Authorised Person's orders

Notwithstanding any other provision hereof, failure on the part of the Master, Owner, servant, agent or other person to comply with any directions, instructions or permission given orally or in writing by the Harbour Master / Authorised Person to such person shall constitute a contravention of the Bye-Law under which such direction, notice or permission was given. A person shall not be bound to comply with such directions, instructions or permission of the Harbour Master / Authorised Person unless the Harbour Master / Authorised Person produces, if requested by the person, evidence of appointment.

### **4.2 Position of Berth**

#### 4.2.1 Designated Mooring place

A Vessel shall not be Moored within the Harbour other than at a place designated under these Bye-Laws by the Harbour Master / Authorised Person. All Vessels anchored within the Harbour shall be Moored effectively so as to avoid danger to itself and obstruction to other Vessels. A proper anchor watch shall be kept where appropriate to the conditions and the size of the Vessel.

#### 4.2.2 Berthed lying broadside to the Quay

Every Vessel lying at a Quay in the Harbour shall be so Berthed as to lie broadside to the Quay, except where the Harbour Master / Authorised Person permits otherwise.

#### 4.2.3 Lying alongside the Quay

Save with the permission of the Harbour Master / Authorised Person, Vessels shall not lie alongside any Quay in the Harbour except when loading or discharging Goods or Passengers, or when taking on fuel, water, ice or other necessary supplies, or opposite a berth or berths designated by the Harbour Master / Authorised Person all of which operations shall be carried out as expeditiously as possible.

#### 4.2.4 Preference of Berth

The Harbour Master / Authorised Person may at any particular time as he deems appropriate give preference of berth to one Vessel over another.

#### 4.2.5 Berthing near loading facilities

The Master or Owner of a Vessel is not permitted to berth at or near a crane or other loading facilities located on the Pier unless loading or unloading Goods.

#### 4.2.6 Temporary storage of Vessels out of the water

A Vessel may only be lifted out from the waters and temporarily stored at a location to be agreed beforehand and for a period of time to be agreed with the Harbour Master / Authorised Person.

#### 4.2.7 Reserved Berths

The Harbour Master / Authorised Person shall have the power to set aside reserved berths, when deemed necessary, at his discretion. The use of any such berth will be subject to the consent of the Harbour Master / Authorised Person.

### **4.3 Proper Conduct While Moored**

#### 4.3.1 Use of crane or similar equipment

Except with prior written consent of the Harbour Master / Authorised Person no person shall use a crane or similar equipment or use or attach a grab on any of the Quays or Harbour.

#### 4.3.2 Transfer of fuel bunkers

No transfer of fuel or bunkers shall take place without the prior approval of the Harbour Master / Authorised Person, who may designate where, when and within which time periods such transfer may take place. Furthermore, before any such transfer of fuel or bunkers takes place, Galway County Council must be fully indemnified in respect of any claims that may arise from such operations.

#### 4.3.3 Suitable light display

Vessels Moored, Berthed or Anchored in the Harbour shall display suitable lights in accordance with International Regulations and/ or Collision Regulations and whenever required to do so by the Harbour Master / Authorised Person.

#### 4.3.4 Immobilisation of the main propulsion unit

Masters or Owners of Vessels shall at all times ensure that any such Vessel is readily available for manoeuvre under its own power. Immobilisation of the main propulsion unit of any Vessel shall not be carried out without the express permission of the Harbour Master / Authorised Person.

#### 4.3.5 Fastening Vessels to the Harbour

Vessels may be fastened in the Harbour, but, only to any of the bollards, mooring rings or mooring buoys that are specifically provided for that purpose. Mooring lines used by Vessels in the Harbour shall be of adequate strength and appropriate test certificates shall be readily available to the Harbour Master / Authorised Person for inspection in respect of any such line.

#### 4.3.6 Ropes etc not to be loosened

No person shall unloose any Vessel which may be made fast or moored in any part of the Harbour without the consent of the Harbour Master / Authorised Person. When any Vessel has been lawfully moored in the Harbour no person other than the Owner or Master or person authorised by the Owner or Master shall move, remove or alter the position of the Vessel or attempt to do so. Subject to the Harbour Master / Authorised Person permitting a Vessel to berth alongside another Vessel, a Vessel departing from inside another Vessel or Vessels shall ensure that this/these Vessel(s) is/are properly re-secured upon departure.

#### 4.3.7 Rope, chain or similar impediment obstructing stairs

A rope, chain or similar impediment shall not (except temporarily in case of emergency) be laid or run from a Vessel in the Harbour in such manner as to cause an obstruction to the normal use of any steps, stairs or ladders leading from the Pier to the water.

#### 4.3.8 Access and egress via gangway or stage

The Master of a Vessel while berthed alongside a Quay shall provide a sufficient and proper gangway or stage for the access and egress of all persons having lawful business on the Vessel. He shall ensure that any such gangway or stage is placed and maintained in a safe manner, well protected, securely fastened and adequately illuminated as required.

#### 4.3.9 Laying Moorings

A Master of a Vessel shall not lay moorings in the Harbour.

#### 4.3.10 Identifying location of anchors

The Master of a Vessel upon anchoring in the Harbour shall cause a buoy to be fastened forthwith to the anchors in such a manner that the position of each anchor may be readily identified.

#### 4.3.11 Marking loose anchors

A Master shall not leave any anchor in the Harbour that may have been dropped or slipped inadvertently from his Vessel without a buoy to mark its position and such anchor shall be removed without delay.

#### 4.3.12 Removal of a raft, anchor, buoy etc

Upon being so required by the Harbour Master / Authorised Person, the Owner of a raft, anchor, buoy or other floating object in the water of the Harbour shall ensure it is removed immediately to a suitable location or wherever the Harbour Master / Authorised Person may direct subject to the terms of the Dumping at Sea Act.

#### 4.3.13 Causing a Vessel to swing or cast loose

Within the Harbour, a person shall not:

- a. Cause a Vessel to swing except at such times and in such conditions as the Harbour Master / Authorised Person may direct;
- b. Cause a Vessel to begin to swing while any other Vessel near enough to foul is moving in the Harbour; or
- c. Cause a Vessel to cast loose or move in the Harbour so as to cause damage or come into collision with any Vessel in the act of swinging.

#### 4.3.14 Free access over decks

The Masters, Owners and crews of Vessels occupying berths at a Quay in the Harbour shall, if so required by the Harbour Master / Authorised Person, give free access over the decks of their Vessels for persons and Goods to and from other Vessels Berthed alongside them provided always that the persons seeking such facility shall be deemed to have indemnified Galway County Council, the Harbour Master / Authorised Person and Owner/Master of the Vessel over which free access has been provided from and against all (if any) claims however arising from such access.

#### 4.3.15 Sails to be furled

Whilst a Vessel is moored in the Harbour its sails shall not be left loose at any time particularly in stormy weather.

#### 4.3.16 Hatches and openings

The hatches or other openings on the deck of a Vessel lying at a Quay in the Harbour shall be kept closed unless otherwise permitted by the Harbour Master / Authorised Person except while work of loading or unloading is proceeding.

#### 4.3.17 Fenced hatches or openings- safety

Where the hatches or other openings of a Vessel which is not being loaded or unloaded in the Harbour are left uncovered by permission of the Harbour Master / Authorised Person they shall be fenced to a height of 91cms (3ft.) if the coamings are less than 76cms (2.5ft.). Where hatches or openings are uncovered the Master shall ensure that substantial and legible warning notice of the existence of such uncovered hatches or openings worded "beware of uncovered hatches or openings" shall be posted in a conspicuous place on board.

#### 4.3.18 Inspection of Vessels

The Harbour Master / Authorised Person may at any time within the Harbour either alone or with other Authorised Persons board any Vessel and inspect it or any part thereof or for any other purpose in the execution of his authorised duties.

#### 4.3.19 Fenders

The Master of any Vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of his Vessel. Furthermore, when berthing or lying at a Quay or against other Vessels, the Master shall cause the Vessel to be fended off from that Quay, or those Vessels so as to prevent damage to that Quay, those other Vessels or any other property. The Master of a Vessel shall not use or permit to be used any fender deemed unsuitable for such purpose by the Harbour Master / Authorised Person.

### **4.4 Obstructions on the Harbour**

#### 4.4.1 Removal of obstruction or nuisance

The Harbour Master / Authorised Person may, in respect of any article or thing he deems to be an obstruction or nuisance in the Harbour, by notice in writing require the Owner to remove it from the Harbour within a specified period. In the event of the Owner, failing to comply with such Notice in contravention of this Bye-Law, Galway County Council may, at the risk of the Owner, arrange for the removal and/or disposal of such article as deemed appropriate. Before taking such action, the Harbour Master / Authorised Person shall give notice in writing to the Owner of the intention to exercise this power within the time specified therein. If Galway County Council then exercises its power of removal and /or disposal, it shall not be liable to the Owner for any loss or damage suffered by him howsoever arising from the removal and/or disposal. In the event of a sale, the proceeds of this sale shall be applied to defraying the cost of removal and disposal and any balance remaining shall be paid to the Owner. If the proceeds of the sale are insufficient to meet the cost of removal and disposal, the balance outstanding may be recovered from the Owner as a simple contract debt in any court of competent jurisdiction.

#### 4.4.2 Destruction of Obstruction or nuisance

If the Harbour Master / Authorised Person is unable to sell any article or thing he deems to be an obstruction or nuisance in the Harbour as set out at 4.4.1 above, he can arrange for its removal and destruction. In such circumstances, the associated cost shall be charged against the Owner and recoverable as a simple contract debt in any court of competent jurisdiction.

### **4.5 Work on Vessels**

#### 4.5.1 Fumigation

Without prejudice to the powers of the Chief Medical Person of a Health Authority acting under the provisions of the Infectious Diseases Regulations, 1981 (as amended) and the Infectious Diseases (Shipping) Regulations, 1948, a Master shall not permit his Vessel to be fumigated in the Harbour for any purpose without the permission in writing of the Harbour Master / Authorised Person. Furthermore, any such operations so permitted shall be at the risk of the Master.

#### 4.5.2 Repair

The Master of a Vessel that is Berthed at a Quay or attached to any mooring device shall not permit the engine of his Vessel to be worked in such manner as to cause injury or damage to any other Vessel, person or property, in the Harbour, including but not limited to the bed of the Harbour, slipway or any of the Quay walls.

### **4.6 Accidents**

#### 4.6.1 Master to give notification of accidents

The Master of a Vessel, which has sunk or become stranded in the Harbour, shall as soon as reasonably practicable (but no more than 24 hours later) give notice of this occurrence to the Harbour Master / Authorised Person and shall carry out his instructions as to the lighting and buoying of the Vessel forthwith.

The Master of the Vessel shall be responsible for the safety of the Vessel in question; whilst the Harbour Master / Authorised Person shall at all times have a right of inspection of such a Vessel.

Any Vessel so sunk or stranded shall be removed by the Master as soon as possible and in any event within fourteen days of the day on which the Vessel sank or became stranded or within such greater or lesser period as the Harbour Master / Authorised Person may by notice in writing permit or require. If the Master fails to obey such instructions without delay the Harbour Master / Authorised Person may arrange for the lighting, buoying and/or removal of the Vessel. Galway County Council may recover all such costs incurred as a simple contract debt from the Master/Owner. Any such action taken by the Harbour Master / Authorised Person shall not affect the consequences of any contravention by the Master of this Bye-Law.

## **5 Vessels Loading / Unloading Operations**

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### **5.1 Not obstructing other Vessels**

A Master engaged in or loading / unloading operations at the Pier shall do in a safe and appropriate manner so as not to obstruct other Vessels being loaded, discharged, Moored, Berthed or navigated.

### **5.2 Cease operations on Harbour Master/ Authorised Person's directions**

A Master engaged in loading / unloading Goods shall cease such operations if so directed by the Harbour Master / Authorised Person.

### **5.3 Specified loading/ unloading period**

The Harbour Master / Authorised Person may instruct the Master of a Vessel in the Harbour to load / unload Goods within a specified period whenever in his opinion an unreasonable delay may otherwise arise. If the Master of the Vessel refuses or fails to comply with such an instruction, the Harbour Master / Authorised Person may arrange to carry out such tasks at the Owner's risk

and do all things necessary for and incidental to that purpose. In such circumstances, the expenses so incurred shall be borne by the Master of the Vessel.

#### **5.4 Sufficient light**

A Master loading /unloading Goods in the Harbour shall ensure that good and sufficient light is maintained at all times over each hold of the Vessel so as to enable such operations to be performed in a safe manner.

#### **5.5 Safety**

The handling, stacking, storage or movement of Goods by any person in the Harbour shall be undertaken in a safe manner and shall be subject to the direction of the Harbour Master / Authorised Person. Goods intended for shipment (through the Harbour) shall not be placed on the Pier without the prior permission of the Harbour Master / Authorised Person.

#### **5.6 Excessive quantity of dangerous material**

The Master of a Vessel that has on board a quantity in excess of its standard equipment or normal requirements of Goods of an explosive, inflammable, or otherwise dangerous nature shall give 24 hours' notice thereof to the Harbour Master / Authorised Person. The Harbour Master / Authorised Person may direct that any such Vessel be Moored at an isolated location in the Harbour or, if deemed appropriate, the immediate removal of such Goods from the Harbour by whatever safe means are necessary.

#### **5.7 Use of matches, lighters etc**

The use of matches, mechanical lighters or naked lights or any kind and / or the smoking of tobacco or any other herb within 30 metres of inflammable Goods and/or in or within 30 metres of Vessels loading/ unloading inflammable Goods in the Harbour are prohibited.

#### **5.8 Fire-fighting equipment**

Fire-fighting equipment on Vessels loading / unloading flammable Goods in the Harbour shall be kept in a state of readiness during such operations.

#### **5.9 Containers left on the Pier or Slipway**

Goods or containers including Fish boxes and Fish barrels shall not be permitted to remain on the Pier or Slipway without the permission of the Harbour Master/ Authorised Person for more than six hours in any 24-hour period or any such lesser period as the Harbour Master/ Authorised Person may direct. Goods or containers that remain on the Pier or Slipway for time periods contrary to any such direction may be removed by the Harbour Master / Authorised Person and stored elsewhere, and Galway County Council will not be liable for any damage or losses howsoever caused. The Owner of such Goods or containers shall be liable for all associated removal costs, recoverable as a simple contract debt against the owner.



### **5.10 Liability for loss or damage of Goods**

Galway County Council or the Harbour Master / Authorised Person shall not be liable for loss of or damage to any Goods, containers or livestock whilst in the Harbour. If livestock is to be transHarboured within the Harbour, it shall be transHarboured only in suitable Vehicles and subject to the direction of the Harbour Master / Authorised Person.

### **5.11 Livestock**

Livestock intended for shipment shall not be allowed onto any Quay in the Harbour, without the prior permission of the Harbour Master / Authorised Person. All livestock intended for shipment must be transHarboured in accordance with the Animal Health and Welfare Act. In addition, livestock intended for shipment shall be placed in pens or cattle holding containers for that purpose until ready for shipment. Such livestock shall not be allowed to remain on the Quay or adjacent hardstanding area without the approval of the Harbour Master / Authorised Person.

## **6 Vessels Embarking / Disembarking Operations**

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### **6.1 Passenger Vessels**

#### **6.1.1 Safety Certificate or Passenger Boat Licence**

No Vessel shall carry Passengers within the jurisdiction of Inis Oírr Harbour for commercial purposes unless it holds either a valid Passenger Ship Safety Certificate or a valid Passenger Boat Licence issued under the Merchant Shipping Act of 1992 as amended, in addition to a "Permit" where so required.

#### **6.1.2 Permit**

No Vessel shall carry Passengers within the jurisdiction of Inis Oírr Harbour for commercial purposes unless it holds a Permit issued by the Roads & Transportation Unit, Galway County Council (attached as Fourth Schedule). A completed Operating Agreement (attached as Third Schedule) must be submitted with application for a Permit.

#### **6.1.3 Operating Agreement**

All Passenger Boat/Passenger Vessel Operators shall strictly comply with the terms of the Operating Agreement contained in the Third Schedule hereto. Furthermore, such Operators must also comply with any directions or instructions in this regard from the Harbour Master/ Authorised Person. The Local Authority is empowered to revoke or suspend the Permit of any Passenger Boat/Passenger Vessel Operator, or take such action as it deems necessary, for failure by the Operator to comply with the provisions of this Bye-Law.

#### 6.1.4 Indemnity of Galway County Council

Operators of Ferries or Passenger Vessels are also obliged to indemnify Galway County Council and the Minister for Marine in respect of any accidents that may arise as a result of commercial activities carried out by them on a Quay or at the Harbour. In that regard, they must produce evidence to Galway County Council that their Insurance Policies fully indemnify Galway County Council in respect of all claims by third parties or their personal representatives and dependants, under the Civil Liability Act, 1961 as amended or any other statute or common law, for injuries, loss or damage to such third parties or their property.

#### 6.1.5 Statement of number of Passengers and Crew

For the purposes of these Bye-Laws the Master of a Vessel [or Licensed Passenger Vessel] that carries Passengers, shall on arrival at the Harbour, furnish to the Harbour Master / Authorised Person a written statement of the number of Passengers and crew on board.

#### 6.1.6 Arrival/ Departure times

Passenger Boat/ Passenger Vessel operators, engaged in the provision of all Passenger conveyance service to Inis Oírr shall adhere to a schedule of arrival and departure times of any Passenger Boat/ Passenger Vessels determined by the Harbour Master / Authorised Person. All proposed alterations to schedules must be notified in writing to the Harbour Master / Authorised Person for their approval. All proposed alterations to schedules must be notified to the Harbour Master / Authorised Person for their approval, at least 14 days prior to their coming into effect, unless the Harbour Master / Authorised Person agrees to any such lesser period. The Harbour Master/ Authorised Person may suspend access of vessels, vehicles and persons to the pier to allow for surveying, maintenance work, emergency works and other works necessary for maintenance and upkeep of the Harbour.

#### 6.1.7 Non-scheduled trips

For non-scheduled trips, the Ferry Owners shall obtain prior approval from the Harbour Master / Authorised Person which approval shall not be unreasonably withheld.

### **6.2 Not obstructing other Vessels**

A Master engaged in or embarking/ disembarking Passenger operations at the Pier shall do so in a safe and appropriate manner so as not to obstruct other Vessels being loaded, discharged, Moored, Berthed or navigated.

### **6.3 Cease operations on Harbour Master/ Authorised Person's directions**

A Master engaged in embarking/ disembarking Passengers shall cease such operations if so directed by the Harbour Master / Authorised Person.

#### **6.4 Specified loading / unloading period**

The Harbour Master / Authorised Person may instruct the Master of a Vessel in the Harbour to embark/ disembark Passengers within a specified period whenever in his opinion an unreasonable delay may otherwise arise. If the Master of the Vessel refuses or fails to comply with such an instruction, the Harbour Master / Authorised Person may arrange to carry out such tasks at the Owner's risk and do all things necessary for and incidental to that purpose. In such circumstances, the expenses so incurred shall be borne by the Master of the Vessel.

#### **6.5 Sufficient light**

A Master embarking/ disembarking Passengers in the Harbour shall ensure that good and sufficient light is maintained at all times over each hold of the Vessel so as to enable such operations to be performed in a safe manner.

#### **6.6 Safety**

Operators of Ferries or Licensed Passenger Vessels are obliged to ensure that persons embarking / disembarking from Vessels does so in an orderly and safe manner. In that regard, all Ferry Operators are obliged to comply with the terms of the Safety, Health and Welfare at Work Act, and all other relevant legislation, with particular attention to the management and control of passengers. Galway County Council may periodically inspect such records. Galway County Council reserves the right to revoke the Permit of any Operator of Ferries or Passenger Vessels that fail to comply with the Safety Requirements.

### **7 Vehicles in the Harbour**

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#### **7.1 Vehicle Movement**

##### **7.1.1 Harbour Master / Authorised Persons directions**

The Harbour Master / Authorised Person is authorised by virtue of these byelaws to direct the movement of road traffic in the Harbour, and any such direction must be obeyed.

##### **7.1.2 Vehicles on the Pier**

Vehicles or plant machinery shall only enter onto the pier for the following purposes, or unless approved in writing by the Harbour Master/ Authorised Person:

Organised collection or leaving of cargo subject to the approval of the Harbour Master/Authorised person;

Plant/Machinery required to load and unload cargo;

Collection or leaving of passengers, owing to mobility needs, to Passenger Ferry and subject to the approval of the Harbour Master/Authorised person;

Emergency vehicles;

Construction traffic associated with maintenance and construction work on the pier on behalf of the Authority.

Any vehicles entering onto the pier shall obey instructions of the Harbour Master/ Authorised Person at all times.

#### 7.1.3 Reporting accidents

Any person driving or otherwise operating a Vehicle involved in an accident on the Quay, whereby any injury is caused to any person or any damage is caused to any property, shall stop the Vehicle, report the accident to and give his name and address to the Harbour Master / Authorised Person. The requirements of this Bye-Law are without prejudice to any reporting obligations under other legislation.

#### 7.1.4 Securing Loads

The Owner/Operator of a Vehicle in the Harbour shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of Goods to be so carried as are applicable on public roads. All Plant and Equipment used in lifting operations in the Harbour including a Quay must have valid certification for its purpose.

#### 7.1.5 Leakages and spills

The Owner/Operator of a Vehicle in the Harbour shall not permit any substance to leak, spill or drop from the Vehicle.

#### 7.1.6 Speed limit

A maximum speed limit of 5 km/hr shall apply to all Vehicles within the Harbour.

#### 7.1.7 Banksman

All Vehicles reversing in an area used by pedestrians must have a banksman or lookout person present outside the Vehicle to ensure no persons or property are at risk from injury or damage whilst the reversing manoeuvre is taking place.

### **7.2 Vehicle Condition**

#### 7.2.1 Vehicles suitable for their purpose

Vehicles being used for the movement of Passengers, Goods or containers shall be suitable for their purpose and handled at all times in an appropriate manner so as to avoid damage to the Pier or Quay, structures or Plant and injury to any pedestrians or drivers/operators of other Vehicles. Vehicles within the Harbour may only be driven by qualified and insured drivers. Any such drivers or Owners of these Vehicles shall be deemed to have indemnified Galway County Council, the Harbour Master / Authorised Person from and against all (if any) claims however arising from such use.

### 7.2.2 Good condition

Vehicles and containers shall not be used within the Harbour unless they are maintained at all times in a good state of repair and in a clean and hygienic condition by their Owners/Operators.

### 7.2.3 Determination of unsuitability

The Harbour Master / Authorised Person, whose decision shall be final, is empowered to determine if any particular Vehicle is unsuitable for the purpose of these Bye-Laws.

### 7.2.4 Cleaning and Repair

Cleaning and repairing of Goods, Plant, Vessels or containers shall only be carried out at places directly authorised by the Harbour Master / Authorised Person.

## **8 General**

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### **8.1 Goods in the Harbour**

#### 8.1.1 Goods, Vehicles and / or Plant remaining on the Pier

The Owners of Goods, Vehicles and/ or Plant of any kind shall not allow such to remain on the Quay for more than six hours in any 24-hour period or such lesser period as the Harbour Master / Authorised Person may direct. Goods, Vehicles and/ or Plant which remain in the Harbour for a longer period than that specified in this Bye-Law may be removed by the Harbour Master / Authorised Person and stored elsewhere. The Owners of such Goods, Vehicles and/ or Plant shall be liable for the cost of their removal and storage, which cost may be recovered as a simple contract debt. Any such Goods, Vehicles and/ or Plant of any kind on the Quay are entirely at the Owner's risk and any such Owner shall indemnify Galway County Council from and against any claim arising from a member of the public. Owners of such equipment may be required from time to time by the Harbour Master/ Authorised Person to provide name tags stating their ownership of such Goods, Vehicles and/ or Plant so that the Owner can be contacted and given the opportunity to remove these Goods, Vehicles and/ or Plant. Where good reason is given for the storage of Goods, Vehicles and/ or Plant for longer periods prior approval must be sought from the Harbour Master/ Authorised Person to avoid unauthorised storage on the Quay.

#### 8.1.2 Liability for loss or damage

Galway County Council or Harbour Master / Authorised Person shall not be liable for any loss or damage to Goods, containers, Vehicles, boats, fishing nets, warps, gear Plant, or other items that are removed and stored in accordance with these Bye-Laws.

### 8.1.3 Interference with Goods

No person shall in any way interfere with Goods, containers, Vehicles, lights, machinery, equipment, Plant or any other items in the Harbour.

### 8.1.4 Slipway

The Slipway shall be kept clear at all times, other than when launching or recovering Vessels or with the express permission of the Harbour Master / Authorised Person.

## **8.2 Inappropriate Noise or Activities**

### 8.2.1 Siren, steam whistle, fog horn etc

No person shall sound or use or knowingly cause or permit to be sounded or used in the Harbour a siren, steam whistle, fog horn, alarm or other instrument, appliance or system for producing alarm signals on any occasion or for any purpose other than in connection with navigation or distress.

### 8.2.2 Dumping

No waste of any kind or Deleterious Substances shall be deposited, dumped or discharged within the Harbour.

### 8.2.3 Tickets, Vouchers etc

The sale of all tickets, vouchers etc., for the transHarbouration of Passengers, Goods, Plant or Vehicles by Ferry or otherwise is prohibited on the pier and is only permitted from designated locations authorised by Galway County Council.

### 8.2.4 Inappropriate games or activities

No person shall play any game or carry on any activity that is inappropriate to the Harbour. The decision of the Harbour Master / Authorised Person, as to what is not an appropriate game or activity shall be final.

### 8.2.5 Committing a nuisance

Any person committing a nuisance or interfering with the peaceful or orderly use of the Harbour may be requested to depart therefrom by the Harbour Master / Authorised Person. Failure on the part of such person to comply with such request is deemed to be an offence under these Bye-Laws.

### 8.2.6 Contravening Bye-Laws

The Harbour Master / Authorised Person, if of the opinion that a person has contravened any of these Bye-Laws, is entitled to request the name and address of such person. Failure on the part of such person to supply the details requested to the Harbour Master / Authorised Person is deemed to be an offence under these Bye-Laws.

#### 8.2.7 Trading

Trading or touting of any kind shall not be undertaken within the Harbour.

#### 8.2.8 Diving

No diving operation shall be carried out within the Harbour except with the written consent of the Harbour Master / Authorised Person.

#### 8.2.9 Swimming or bathing

No swimming or bathing shall be carried out within jurisdiction of Inis Oírr Harbour, except with the written consent of the Harbour Master / Authorised Person.

#### 8.2.10 Diving or jumping moving from a moving Vessel

No person shall dive or jump from a moving Vessel into the waters within the Harbour.

#### 8.2.11 No boating, paddle boating, kayaking etc

No boating, paddle boating, kayaking, canoeing, surf boarding, surf skiing, sail boarding shall be carried out within the Harbour except with the prior approval of the Harbour Master / Authorised Person.

#### 8.2.12 Fast Power Boat, Jet Skiing, water skiing etc

No person shall, in the interest of safety to those in the Harbour, engage in Fast Power Boat, Jet Skiing, water skiing, kiting or parachute towing within the Harbour without the prior consent of the Harbour Master / Authorised Person. Maximum speed limit of 5knots must be obeyed at all times in the Harbour Jurisdiction. Any such activity shall be subject to the Collisions Regulations and the Maritime Safety Act and should be carried out in a safe manner to the satisfaction of the Harbour Master / Authorised Person and only in an area and at such times as designated by the Harbour Master/ Authorised Person. The Harbour Master/ Authorised Person may instruct such activities to cease if he considers that they are unsafe or causing a nuisance or danger to any persons or Plant within the Harbour.

#### 8.2.13 Parking overnight

No caravan, mobile home, dormobile or other similar Vehicle, which is used or capable of being used for habitation, shall park or remain overnight on the Pier unless prior authorisation is obtained in writing by the Harbour Master / Authorised Person.

#### 8.2.14 Film, photograph or otherwise record for commercial use

No person or organisation shall film, photograph or otherwise record for commercial use, within the Harbour, save with the prior consent of the Harbour Master / Authorised Person or Galway County Council.

#### 8.2.15 Right to refuse entry

The Harbour Master / Authorised Person has the right to refuse entry to any Vessel or Vessels that are in breach of the provisions of these Bye-Laws.

#### 8.2.16 Written approval of activities

No activity shall take place or be held on the Quay other than that for which permission is granted unless the Harbour Master / Authorised Person in advance gives written approval.

#### 8.2.17 Welding / cutting / grinding operations etc

No welding/cutting/grinding operations or other hot work involving use of any flammable substance, naked flame or method likely to cause sparks shall take place in the Harbour without the prior approval of the Harbour Master / Authorised Person.

#### 8.2.18 Harbour Master / Authorised Person's directions

Notwithstanding anything contained in these byelaws, any person in the Harbour shall comply with any directions he/she receives from the Harbour Master / Authorised Person appointed by Galway County Council in order to comply with the provisions of the Health, Safety and Welfare at Work Act or any regulations or any safety statements made thereunder.

#### 8.2.19 Erecting, obstructing lights, signs etc.

No person shall erect, amend, obstruct or remove any light, sign, notice or other aids to navigation without the prior approval of the Harbour Master / Authorised Person and Galway County Council except where required either as detailed in these Bye-Laws or in case of emergency.

#### 8.2.20 Rockets, fireworks other explosive substances

Except in emergency no person other than the Coastguard shall, without the written permission of the Harbour Master / Authorised Person, set off rockets, fireworks or other explosive substance within the Harbour.

#### 8.2.21 Fire or smoke producing device

No person shall cause or permit a fire or other such smoke producing device to produce smoke in the Harbour in such a manner or in such quantity as to interfere with safe navigation.

#### 8.2.22 Advertising

No person shall deposit or cause to be deposited any advertising handbills, leaflets or circulars on any Vessel, Vehicle, Quay or Plant on the pier.

#### 8.2.23 Prevention of the Harbour Master/ Authorised Person's duties

The Harbour Master or Authorised Person or a member of the Garda Síochána may request any person who appears to be contravening or who has contravened a provision of these Bye-Laws to leave the Harbour or refrain from any activity and may remove a person failing to comply with such request.



No person shall intentionally prevent or obstruct the Harbour Master / Authorised Person from carrying out any of his/her duties. Any such person shall be guilty of an offence.

#### 8.2.24 Master not at hand

Whenever a Master of a Vessel within the Harbour is not at hand or on board, any notice, required or authorised by these Bye-Laws to be served on or given to him, may be served or given by affixing it to a mast or some other conspicuous part of such Vessel. Alternatively, such notice may be served on or given by sending it by prepaid registered post in an envelope addressed to the Master at his last known address and in that event the notice shall be deemed to have been delivered in the normal course of post.

## **9 Harbour Charges**

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### **9.1 First Schedule**

Galway County Council will impose Harbour Charges detailed in Schedule 1 by Chief Executive Order, following the receipt of a Certificate of Substantial Completion for the new pier extension.

### **9.2 Charges**

Subject to section 9.1, Galway County Council will impose Harbour Charges detailed in Schedule 1 by Chief Executive Order.

### **9.3 Passenger Charges**

Subject to section 9.1, The Owner or Master of a vessel that carries Passengers to or from the Harbour Jurisdiction shall be liable to harbour charges set out in the First Schedule.

### **9.4 Charges on Goods**

Subject to section 9.1, The Master or Owner of a vessel that ferries Cargo to or from the Harbour jurisdiction shall be liable to harbour charges set out in the First Schedule.

### **9.5 Charges payable to Galway County Council**

Subject to section 9.1, all charges payable on foot of these Bye-Laws shall be payable to Galway County Council and any charges due or owing to Galway County Council may be so recovered as a simple contract debt in any court of competent jurisdiction. The Harbour Master / Authorised Officer reserves the right to detain Vehicles/Vessels until such debt is collected.

### **9.6 Notice of arrival for the purpose of calculating charges**

The Master or Owner of any Vessel entering the Harbour for the purpose of landing Goods shall give 24 hours notice to the Harbour Master / Authorised Officer of his intention to land Goods and shall furnish to the Harbour Master / Authorised Officer such information as may be required by him to identify and quantify the Goods being landed for the purpose of calculation of the Harbour charges payable in respect of such landing of Goods.

### **9.7 Exemption from fees**

Fees will not be applied to Masters/Owners of Vessels who are employees, contractors or sub-contractors of Galway County Council when employed directly or indirectly on construction works within the Harbour and within the contract period. Fees for such employees, contractors or sub-contractors may be waived outside of the contract period at the discretion of the Harbour Master / Authorised Officer. This exemption may also be applied to Vessels owned/operated by the Harbour Master, Coastguard, RNLI, Gardai, or other persons involved with official business.

## **10 Penalties, Fines and Prosecutions**

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### **10.1 Summary conviction**

#### 10.1.1 Fines

A person who is in contravention of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding:

- a. €1,000.00 in the case of a first offence, or
- b. €1,904.61 in the case of a second or subsequent offence.

All fines shall be paid to Galway County Council.

#### 10.1.2 Continuous contravention

In the event that contravention of a provision of these Bye-Laws is continued after conviction the person causing the contravention shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €125.

#### 10.1.3 Offence committed by body corporate

In accordance with Section 234 sub-section (1) of the Local Government Act 2001 where an offence under these Bye-Laws has been committed by a body corporate and is proved to have been committed with the consent or connivance of or be attributable to any neglect on the part of the person being a director, manager, secretary, or any other similar person of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and such be liable to be proceeded against and pursued as if he or she was guilty of the first mentioned offence.

#### 10.1.4 Payment of fines and fixed payments

All fines in respect of offences and all fixed payments under these Bye-Laws shall be paid to Galway County Council

#### 10.1.5 Prosecutions by An Garda Síochána or the Local Authority

Prosecutions pursuant to these Bye-Laws may be taken by the Garda Síochána or the Local Authority.

### **10.2 Fixed Payment Notices**

Where a Harbour Master/ Authorised Person or member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed a contravention of a Bye-Laws he or she may serve the person with a notice as an alternative to a prosecution, stating the:

- a. The date, place and nature of the contravention the person is alleged to have committed , and
- b. A fixed payment of €100 is being imposed for contravention of the bye-law, and
- c. the period for payment of the fixed payment is 21 days from the date of the notice

#### 10.2.1 Prosecution

a prosecution in respect of the alleged contravention will not be instituted during the period for payment specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted. A person is entitled to disregard the notice and defend the prosecution in Court

#### 10.2.2 Payment

Where a notice is given under section 10.2.1

- a. a person to whom the notice applies may, during the period specified in the notice, make to the authority concerned at the address specified in the notice the payment specified in the notice accompanied by the notice,
- b. the authority specified in the notice may receive the payment, issue a receipt for it and retain the money paid, and any payment received shall not be recoverable in any circumstances by the person who made it
- c. a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

### 10.2.3 Proving payment

In a prosecution for an offence under these Bye-Laws the onus of proving that a payment pursuant to a fixed payment notice under these Bye-Laws has been made lies on the defendant.

## **11 Exemptions**

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### **11.1 Exemptions**

These Bye-Laws do not apply to Vessels operating in the course of duty of:

- i. the authority concerned,
- ii. the Garda Síochána,
- iii. the Defence Forces,
- iv. the Revenue Commissioners,
- v. the Central Fisheries Board or a Regional Fisheries Board (within the meaning of the Fisheries Act, 1980),
- vi. the Irish Coast Guard,
- vii. the Commissioners of Irish Lights, or
- viii. the Royal National Lifeboat Institution,

or any Vessel involved in bona fide law enforcement, emergency or rescue missions.

## 12 Schedules

### 12.1 First Schedule: Harbour Charges

All charges to be levied on Master or Owner of Vessel.

Charge Number	Description of Facility or Service	Rate or Charge
1	<b>Fishing Vessel</b> Annual Composite Harbour entry charge for any fishing vessel using the facilities within the Harbour Jurisdiction.	€3.00 per gross registered tonne payable in advance on or before 1 <sup>st</sup> January each year or on first entry to the Harbour Jurisdiction after 1 <sup>st</sup> January each year.
2	<b>Fishing Vessel</b> Single Harbour entry charge for any fishing vessels using the harbour facilities.	€0.50 per gross registered tonne.
3	<b>Merchant Vessel</b> Annual Composite Harbour entry charge for Merchant Vessel, Passenger Vessel, Tugs, Barges, etc.	€3.00 per gross registered tonne payable in advance on or before 1 <sup>st</sup> January each year or on first entry to the Harbour Jurisdiction after 1 <sup>st</sup> January each year.
4	<b>Merchant Vessel</b> Single Harbour entry charge for Merchant Vessel Passenger Vessel, Tugs, Barges, etc.	€0.50 per gross registered tonne.
5	<b>Cargo</b> Use of the Harbour in connection with loading and discharging Cargo.	€0.00 per tonne.
6	<b>Landing of Fish</b> Use of the Harbour in connection with discharging of fish.	€0.00 per tonne.
7	<b>Non-Fishing Vessel</b> Use of Harbour by non-fishing vessels for purpose other than loading or discharging Cargo. i. Vessels up to 10m in length ii. Vessels over 10m in length	€10.00 per day €15.00 per day
8	<b>Annual Permit for non-fishing Vessels</b> Annual Permit for non-fishing Vessels (issued by the Harbour Master) i. Vessels up to 6m in length. ii. Vessels over 6m and up to 12m in length	€15.00 per annum €30.00 per annum

9	<p><b>Laid-up Vessel</b> Use of Harbour by Laid-up Vessels. Up to 20m in length</p> <ul style="list-style-type: none"> <li>i. For first four weeks</li> <li>ii. For second four weeks</li> <li>iii. For third four weeks</li> <li>iv. For thereafter</li> </ul> <p>Over 20m in length</p> <ul style="list-style-type: none"> <li>i. For first four weeks</li> <li>ii. For second four weeks</li> <li>iii. For third four weeks</li> <li>iv. For thereafter</li> </ul>	<p>€75 per week €150 per week €300 per week €500 per week</p> <p>€100 per week €200 per week €400 per week €1,000 per week</p>
10	<p><b>Unauthorised Vessel</b> Unauthorised use of Berth, Mooring, Slipway or any other facilities.</p>	<p>€500 per day</p>
11	<p><b>Water Rates</b></p> <ul style="list-style-type: none"> <li>i. Use of fresh water to fill tanks</li> <li>ii. Use of water for wash down.</li> </ul>	<p>€2.50 per tonne metered €10.00 minimum charge per day.</p>
12	<p><b>Passenger Rates</b> Use of Harbour by Passenger Vessels. This charge will be payable monthly.</p> <p>The charge will be €5.00 per Passenger, per annum, in respect of multiple journey tickets (5 return journeys or more). To avail of this reduction the Vessel Operator must provide satisfactory evidence to the Harbour Master of such multiple journey ticket sales on a monthly basis.</p> <p>In the absence of accurate Passenger numbers the permitted Vessel Passenger Certificate complement will be charged per arrival.</p>	<p>€0.80 per passenger, per entry.</p>
13	<p><b>Slipway Rates</b></p> <ul style="list-style-type: none"> <li>i. Use of slipway for inspection/ washdown of fishing Vessel or pleasure craft.</li> <li>ii. Use of slipway for inspection/ washdown of passenger vessel capable of carrying more than 12 passengers.</li> <li>iii. Use of slipway by Cargo Vessel for inspection/ washdown.</li> </ul>	<p>€15.00 per day</p> <p>€50.00 per day</p> <p>€50.00 per day</p>

**12.2 Fixed Payment Notice**

Fixed Payment notice for the purposes of Section 206 of the Local Government Act 2001

Name of Local Authority: Galway County Council

To: Name:

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It is alleged that you have contravened the provisions of these Bye-Laws made under Part 19 of the Local Government Act, 2001, entitled Bye-Laws for the Regulation of Inis Oírr Harbour, Inis Oírr, Árainn, County Galway.

By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

at: \_\_\_\_\_

on the            day of

During the period of twenty-one days beginning on the date of this notice you may pay the sum of €100.00 producing/ attaching this notice at the offices of the Local Authority named in this notice located at Áras an Chontae, Prospect Hill, Galway.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €100.00 is paid during that period no prosecution will be instituted at any time.

Signed:

Harbour Master/ Authorised Person

Date:

IMPORTANT: Payment will be accepted at the offices of Galway County Council and must be accompanied by this notice. Payment may be made by post. Cheques etc. must be made payable to Galway County Council. A receipt will be issued. You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

### **12.3 Third Schedule: Operating Agreement for Passenger Vessel**

#### **OPERATING AGREEMENT FOR PASSENGER VESSEL AT INIS OÍRR HARBOUR, INIS OÍRR, OILEÁIN ÁRAINN, CO. NA GAILLIMH**

The master or person in charge of a Passenger Vessel is required to comply with the following conditions.

1. Produce to the Harbour Master/ Authorised Person as required a copy of each passenger ship licence/ boat certificate including exemptions granted in respect of each Vessel under the Merchant Shipping Acts 1894-1998.
2. The Permit Holder shall inform the Harbour Master/ Authorised Person in writing of any change affecting the safe operation of the Vessel or any change in the Vessel's status, as in 1. Above, and shall further inform the Harbour Master/ Authorised Person once the Vessel's status has been restored.
3. The Permit Holder shall provide (by fax or e-mail) to the Harbour Master/ Authorised Person, time of departure, destination and number of passengers on board each Vessel prior to Vessels clearing the Jurisdiction of the Harbour.
4. In conjunction with 1. above, the name and qualifications including the certificate number and date of endorsement of continued proficiency and up-dating of knowledge, and any other endorsements or exemptions granted to the Master and Engineer and number of qualified crew on board.
5. A minimum of 7days notice to be given for the introduction of any passenger Vessel greater than 33.5mts. Length.
6. The Permit Holder shall provide to the Harbour Master/ Authorised Person a weekly schedule of arrival and departure times for his approval. The schedule to be subject to change by including the certificate number and date of endorsement of continued proficiency and up-dating of knowledge, and any other endorsements or exemptions granted to the Master and Chief Engineer if he/she consider such a change necessary for safety reasons.
7. The Permit Holder shall ensure that at all times, as the Harbour Controller may require, there is enough crew available so that the Vessel can be moved off the berth at short notice to meet harbour requirements. If another Vessel needs to berth and if, for any reason, the Vessel berthed is unable to leave or be moved from the berth, as required, it shall be the duty of the Permit Holder to make arrangements for the immediate coming alongside the Vessel of the other Vessel, which might have otherwise secured to the berth. The Permit Holder shall ensure the safe embarkation and disembarkation of the other Vessels passengers across the decks of their Vessel.
8. As employer Passenger Boat/Passenger Vessel Operators are legally obliged to prepare a Safety Statement in accordance with the terms of the 2005 Act. In addition, they will also be required to prepare a Traffic Management Plan in respect of all aspects of their operations with particular reference to the management and control of passengers.



9. Passenger Boat/Passenger Vessel Operators are at all times obliged to ensure the orderly queuing of passengers. Specifically, Passenger Boat/Passenger Vessel Operators will be required to demonstrate to the Council that such matters are fully addressed by means of the aforementioned Safety Plans. They will also be required to contain and monitor such passengers at a designated Waiting Area of the Pier at all times. Such a Waiting Area and the management of passengers thereon must be agreed between the Council and the Passenger Boat/Passenger Vessel Operators before a permit to operate from the Harbour will be granted.

I agree to comply with the conditions as set out above.

Name

Date

DRAFT

**12.4 Fourth Schedule: Passenger Vessel Permit**

**PASSENGER VESSEL PERMIT** issued under Inis Oírr Harbour, Inis Oírr, Oileáin Árann, Co. na Gaillimh, Bye-Laws, 2021.

(Full Name) \_\_\_\_\_ of, \_\_\_\_\_ (address) is hereby authorised by this permit to use the property of Galway County Council for the purpose of taking on board or disembarkation of passengers from \_\_\_\_\_ (Vessel Name).

This authorisation is subject to the conditions laid down in the Operating Agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ attached to this permit, and to the provisions of any Bye-Laws and Regulations under the Local Government Act, 2001 and any amendments thereof or regulations thereunder.

This permit may be revoked at any time, where it is considered necessary in the interests of safety or for the good management or operation of the Harbour.

Without prejudice to the generality of the foregoing, this permit may be revoked where the permit holder or his servants or agents are in breach of or fail to comply with terms of the operating agreement.

This permit shall be valid for the duration of the passenger ship certificate and/ or exemption granted in respect of the Vessel under the Merchant Shipping Act, 1894 to 1998.

Signed on behalf of Galway County Council.

Harbour Master / Authorised Person

Date

Made and adopted under the Common Seal of  
**Galway County Council**

This *(date)*  
2021

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

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**CATHAIRLEACH CHONTAE NA GAILLIMHE**

Appendices

12.5 **Appendix 1: Drawing No. 1 – Harbour Jurisdiction**

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