

BANTRY BAY HARBOUR BYE-LAWS

Approved by the Minister of Transport on the 05th day of October 2010 and adopted by
Bantry Bay Harbour Commissioners on the 18 day of October 2010.

BANTRY BAY HARBOUR COMMISSIONERS PURSUANT TO THE PROVISIONS OF SECTION 60 OF THE HARBOURS ACT, 1946 TO 1976 (AS AMENDED AND EXTENDED) AND SECTION 6 OF THE MARITIME SAFETY ACT, 2005 HEREBY MAKE THE FOLLOWING BYE-LAWS WITH RESPECT TO THE USE OF AND THE SAFETY OF NAVIGATION WITHIN THE LIMITS OF BANTRY PORT AND GENERALLY WITH RESPECT TO THE REGULATION OF ITS HARBOUR AND PROPERTY.

PRELIMINARY

1. Title and Commencement

These Bye-Laws may be cited as the Bantry Bay Harbour Commissioners Bye-Laws 2010 and shall come into force on the 18th day of October 2010.

2. DIVISION INTO PARTS

These Bye-Laws are divided into the following parts:

PART I	INTERPRETATION
Part II	PRE – ARRIVAL, NOTICE OF ARRIVAL
Part III	NAVIGATION
Part IV	REQUIREMENTS RELATING TO BALLAST
PART V	TOWAGE OPERATIONS, MINIMUM STANDARDS FOR TUG BOATS AND CREWS
PART VI	VESSELS CARRYING DANGEROUS GOODS
Part VII	MOORING,QUAYS, PIERS, JETTIES AND SLIPWAYS
PART VIII	CARGO OPERATIONS, PORT WASTE MANAGEMENT PLAN, DAMAGE TO AND BY VESSELS

PART IX	AQUACULTURE, SHELLFISH POTTING
PART X	OIL TERMINAL, OIL POLLUTION INSURANCE, SINGLE POINT MOORING (SPM) RESTRICTED AREA, SPM EXCLUSION ZONE
PART XI	PENALTIES
SUPPLEMENT	EXTRACTS FROM THE FISHERIES ACTS 1959. BYELAWS (NO. 190) BANTRY BAY – TRAWLING, DATED 6 APRIL 1897. EXTRACT FROM THE DANGEROUS SUBSTANCES (OIL JETTIES) REGULATIONS 1979. EXTRACTS FROM THE MERCHANT SHIPPING (MEANS OF ACCESS) REGULATIONS, 1988. EXTRACT FROM THE MARITIME SAFETY ACT 2005.

3. APPLICATION

These Bye-Laws shall apply to all parts of Bantry Port including all Quays, Piers and property under the control of Bantry Bay Harbour Commissioners and is hereinafter defined. These Bye-Laws do not take precedence over national legislation.

BANTRY BAY HARBOUR COMMISSIONERS HARBOUR BYE-LAWS 2010.

MADE BY THE BANTRY BAY HARBOUR COMMISSIONERS PURSUANT TO THE PROVISIONS OF SECTION 60 OF THE HARBOURS ACT, 1946 TO 1976 (AS AMENDED AND EXTENDED) AND SECTION 6 OF THE MARITIME SAFETY ACT, 2005 RELATING TO THE REGULATION AND MANAGEMENT OF BANTRY PORT AND ANY AND ALL QUAYS, PIERS AND PROPERTY (AS HEREINAFTER DEFINED) UNDER THE CONTROL OF BANTRY BAY HARBOUR COMMISSIONERS.

PART I: INTERPRETATION

INTERPRETATION

4. The following words and expressions in these byelaws shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction, that is to say:

"The Minister" means the Minister for Transport or successor.

"Harbours' Acts" shall mean and include the Harbours' Acts, 1946, the Harbours' Act, 1947, the Harbours' Act, 1976 together with all subsequent or prior amendments to or variations thereof together with all provisions contained in any such enactments.

"The Maritime Safety Act" shall mean the Maritime Safety Act, 2005 to include all amendments, revisions, modifications and/or additions thereto and all parts thereof together with the Maritime Safety Act 2005 (Fixed Payment Notices) Regulations 2005. Each and every provision in the Maritime Safety Act, 2005 and the Maritime Safety Act, 2005 (fixed payment notices) Regulations 2005 may be invoked at any time by Bantry Bay Harbour Commissioners who may amend and/or extend and/or modify these Bye-Laws as it sees fit to apply any of the terms of the 2005 Act and/or the 2005 Fixed Payment Notices Regulations to these Bye-Laws.

"Commissioners" means the Bantry Bay Harbour Commissioners, and shall include their successors.

"Harbour Master" means the Harbour Master for the time being of the port, and shall include the Deputies and Assistants of the Harbour Master while acting within their authority as such Deputies and Assistants.

“Master” when used in relation to any vessel, means the person having command of the vessel for the time being, but does not include Pilots.

“Vessel” means a waterborne craft of any type whatsoever whether self propelled or not.

“Personal watercraft” means a craft (other than a recreational 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;

“Recreational craft” means a craft of not more than 24 metres in length (measured in accordance with the ISO standard EN ISO 8666:2002 — Small craft — Principal data) intended for sports and sports and leisure purposes.

“Owner” When used in relation to Goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods, and includes any other person in charge of the Goods or his agent, in relation thereto: and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee, in possession of the vessel or other persons entitled for the time being in possession of the vessel. It includes the owners of rafts, shellfish long-lines or moorings, located within the Port of Bantry.

“Port” means the harbour, the limits of which are the area, including all tidal inlets, bounded by an imaginary straight line drawn from Sheep’s Head to Crow Head both in the County of Cork and the line of high water which area is known as Bantry Bay.

“Fairway” means all the space within the port for the time being reserved as a highway for vessels, unless otherwise accepted under these or subsequent byelaws, in alteration as may be published from time to time at the Commissioners Offices.

“Outer Bay” means all that area within the port which lies seaward of an imaginary line drawn from Shot Head to White Horse Point.

“Inner Bay” means all that area within the port which lies east of an imaginary line drawn from Shot Head to White Horse Point.

“Person” shall include any individual, whether sole or collective, any unincorporated body, and/or any company or corporation of any kind, whether aggregate or sole registered in Ireland or abroad.

“Number” Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

“Gender” Words importing the masculine gender shall include females.

“Quay” means any quay, pier, jetty, wharf, landing stairs, strand, shore, or any other landing or loading place within the port, including the Single Point Mooring (SPM) loading facility, owned or under the control of the Bantry Harbour Authority.

“Goods” includes livestock, minerals, wares, chattels and merchandise of all descriptions, and includes ballast.

“Hazard To Navigation” For the purpose of these byelaws, any vessel having entered the port of Bantry, which cannot depart, because of grounding, sinking, mechanical or other incapacity, or for any reason whatsoever, may be deemed a hazard by the Harbour Master, to navigation, and may be disposed of by the Bantry Harbour Commissioners as they consider appropriate, at the expense of the vessels owner or operator.

“COLREGs” mean the Regulations for preventing collisions at sea, made in pursuance of the International Regulations for Preventing Collisions At Sea 1972 with amendments in force from November 1989 and which may from time to time be in force.

PART II: PRE-ARRIVAL, NOTICE OF ARRIVAL

PRE - ARRIVAL

5. The master, or agent for the master, of a vessel requiring entry to the port, shall first submit an application in writing to the Harbour Master giving particulars of the name of the vessel, her net and gross tonnage, length, draught of water, cargo, consignee, port of origin, ballast details and berth required, and all information relating to insurance, port security, the payment of harbour dues, and all other relevant data, and no claim for a berth will be recognised until this application has been made. Commercial vessel movements within the port area shall be subject to prior notification to the Harbour Master.

NOTICE OF ARRIVAL

6. The master or agent for the master of any commercial vessel within the port shall give notice of entry to the Harbour Master within the port, immediately on arrival.

PART III: NAVIGATION

NAVIGATION

7.
 - [a] The master of a vessel within the port shall observe and obey the “The International Regulations for the Prevention of Collisions At Sea 1972”, (COLREGs) and all subsequent addition or amendments thereto, which shall be construed as if these byelaws had been added thereto, provided that where any inconsistency arises between the COLREGs and any of the said Byelaws, the provisions of these Byelaws shall have effect.
 - [b] The master of a vessel navigating within the port shall exhibit from sunset to sunrise the lights prescribed by the COLREGs for vessel under way.
8. The master of a vessel within the limits of the port shall, subject to the provisions of Section 75 of the Harbours Act, 1946, regulate the vessel according to the directions of the Harbour Master.

9. The master or agent for the master of any vessel within the port shall give notice to the Harbour Master of any incident such as grounding, collision, pollution, dragging of anchor, fire, accident or casualty, occurring within the port as soon as practicable All vessels entering into or departing from the port or navigating within the port limits shall keep to the proper and usual side of any navigable channel, and all vessels, when under way that cross to that portion of the channel which is not their proper side for the purpose of turning or other wise, must take upon themselves the responsibility of doing so safely, having regard to the passing traffic, and will be responsible for any injury or damage whether personal or to property that may in consequence arise.
10. All vessels navigating within the limits of the port shall keep a good look out and use every possible precaution to avoid collision.
11. The Master shall navigate his vessel with such care and at such speed and in such a manner as not to endanger the lives or cause injury to persons or cause damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of other vessels, and always subject to such directions as may be issued by the Harbour Master. The Master of the vessel shall at all times have regard to the effects of the vessel's wash.
12. 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 moving vessel shall allow the faster moving vessel freely to pass on her port side.
13. The master of a mechanically propelled vessel engaged in towing shall navigate with all due caution and regard for passing traffic or vessels berthed or lying to anchor within the limits of the port.
14. The master of a vessel within the limits of the port shall moor, unmoor, place or remove his vessel according to the directions of the Harbour Master, and if there be no person on board the vessel to attend to such directions, the Harbour Master shall cause the vessel to be moored, unmoored, placed or removed as he thinks fit.

15. No vessel while at the quays shall disable her engines without the permission of the Harbour Master.
16. No person shall remove any vessel from one berth to another without the previous sanction of the Harbour Master.
17. A vessel or obstruction shall not, except in the case of absolute necessity in pursuance of safety, be anchored, moored or placed in the channel between Horse Island channel buoy and Chapel Island East channel buoy and in the approaches to the channel from Whiddy Point East and from Bantry Inner Harbour.
18. A vessel, except with the permission of the Harbour Master, shall not be berthed or lie at or abreast of any ferry or slip or steps within the port, and no vessel shall be berthed or lie so as to over lie a limit post of any berth.
19. The master of a vessel at anchor in the port shall ensure that a proper anchor watch is maintained at all times of day and night as long as the vessel is at anchor. Any dragging of an anchor shall be reported to the Harbour Master without delay.
20. The master of every vessel at anchor in Bantry port shall ensure that the main engines are maintained on stand-by at all times of day and night, as long as the vessel is at anchor.
21. The master of every vessel at anchor in Bantry port shall ensure that a proper radio watch is maintained at all times of day and night, as long as the vessel is at anchor.
22. The master of a vessel shall not leave any anchor that may have been dropped or slipped from such vessel in any part of the port without a buoy to mark its position, and such anchor is to be removed without delay. The Harbour Master must be informed of the position of any such anchor. The master of or agent for every vessel prior to entry into Bantry port shall inform the Harbour Master in writing that the vessel is aware of and will comply with this byelaw.

Recreational Craft and Personal Watercraft

23. The Harbour Authority may designate areas over which it has control where access to or egress from the sea may be obtained by persons using recreational craft and personal watercraft.
24. The launching and recovery of recreational craft and personal watercraft is allowed at the Abbey Point slipway and Whiddy Island slipway.
25. Every person in charge of a recreational craft or personal watercraft shall act in such a manner as not to cause annoyance to any person using a beach or swimming in the sea or to disturb naturally occurring flora and fauna.
26. Every person bringing a recreation craft or personal watercraft onto a beach area shall be responsible and liable for any damage or injury to property or persons which may be caused by it.
27. Every person bringing a recreational craft or personal watercraft onto a beach area must remove it from the beach area or waterway if so directed by an authorized person.
28. A person shall not operate a craft in Bantry Port:
 - (a) without reasonable consideration for other persons using or adjacent to those waters, or
 - (b) at a speed which is unreasonable in the circumstances or place, such as in the confines of a harbour or close to persons in or on the waters. This provision shall not restrict the exercise by any Agency of the State of its statutory powers. (This bye-law shall not apply to craft operated in the course of duty of the Harbour Authority, an Garda Siochana, the Defense Forces, the Revenue Commissioners, Inland Fisheries Ireland, Irish Coast Guard, the Commissioners of Irish Lights or the Royal National Lifeboat Institute or any craft involved in bona fide law enforcement, emergency or rescue missions.)

PART IV: REQUIREMENTS RELATING TO BALLAST

BALLAST

The Harbour Master should be consulted in relation to ballast operations.

PART V: TOWAGE OPERATIONS AND MINIMUM STANDARDS FOR TUG BOATS AND CREWS EMPLOYED TO ASSIST VESSELS BERTHING AND UNBERTHING

TOWAGE

29. In the interests of persons and property the owners of tug boats employed to assist in the berthing and unberthing of vessels at any place within the port shall comply with the following minimum standards: -

- (1) The Vessels shall be classed with a recognised organisation which has an agreement with the Department of Transport and shall be maintained in class at all times and comply with all applicable Merchant Shipping Legislation.
- (2) The vessel shall be equipped with VHF radio channels 16, 6, 8, 11, 12, 13, 14, 73. The master or mate shall hold the requisite radio certificate.
- (3) The vessel shall hold a Safety Equipment Record of Inspection, a Radio Station Licence and a set of up-to-date editions of Admiralty Charts (duly corrected) of Bantry port.
- (4) Towing equipment shall be suitable for the job in hand and shall be maintained to a high standard and inspected on a regular basis. An emergency quick release system shall be provided activated independently from the bridge and the deck.
- (5) Bollard pull shall be measured and certified at intervals of not more than five years and the measurement witnessed by an independent surveyor.

MINIMUM STANDARDS FOR TUG BOATS AND CREWS

30. The Harbour Master shall decide the minimum number of tugs and their power and type for the specific task to be undertaken in the particular circumstances pertaining.

- (1) The Vessels shall be classed with a recognised organisation which has an agreement with the Department of Transport and shall be maintained in class at all times and comply with all applicable Merchant Shipping Legislation.
- (2) The vessel shall be manned by skilled and competent crew as follows: -
 - (a) All tugs shall be manned by a competent, qualified crew in accordance with the requirements of both the jurisdiction in which it is registered and Irish law.
 - (b) There shall be sufficient personnel experienced in tug work to handle lines.
- (3) Documentary proof as to qualifications, experience and training of key personnel shall be made available on request to the Harbour Master or such person as shall be authorised by him.

PART VI: VESSELS CARRYING DANGEROUS GOODS AS CLASSIFIED UNDER THE INTERNATIONAL MARITIME DANGEROUS GOODS (IMDG) CODE REGULATIONS

DANGEROUS GOODS

31. The master of every vessel, having on board any quantity of hazardous goods in excess of the vessels standard equipment, shall give notice thereof to the Harbour Master prior to the vessels arrival in the port.
32. Any vessel carrying a hazardous cargo in bulk shall not navigate within the port without the permission of the Harbour Master.

PART VII: MOORING, QUAYS, PIERS JETTIES AND SLIPWAYS

MOORING

33. Every vessel within the limits of the port shall have substantial mooring lines fixed to the dolphins, booms, mooring buoys or mooring posts.
34. Every vessel lying at a quay, within the port, shall be so berthed as to lie broadside to the quay, except when the Harbour Master otherwise directs.

35. Vessels greater than 500 GT shall not be moored two abreast within the port without permission of the Harbour Master.
36. No master of any vessel shall make fast such vessel to any lighthouse, perch or buoy within the port (save and except any wharf or mooring buoys which may be provided for the purpose) and if any such master shall make fast such vessel to any such lighthouse, perch or buoy as aforesaid, every such master so offending and the Owner of such vessel shall make good any damage which shall arise there-from to such lighthouse, perch or buoy and in addition shall be liable to the penalty hereunder provided.
37. A vessel, raft, anchor, buoy, fishing net, or other matter or thing shall not be so placed, left, or employed as to endanger any vessel or quay, or to obstruct, or tend to obstruct, navigation. Any such obstruction shall be removed forthwith without notice.
38. The placing of moorings is prohibited at any location within the port limits except with the permission of and at places approved by the Harbour Master.

QUAYS

39. The Harbour Master may give directions for preventing and removing obstructions or impediments in or on docks, quays, works and roadways under the control of the Commissioners within the limits of the port.
40. A person shall not damage any mooring posts, mooring ring, chain, buoy or other matter or thing provided for the use or convenience of shipping or any life-buoy, machinery or equipment provided by, or property belonging to, the Commissioners.
41. A person shall not leave unattended so as to cause an obstruction, a net, pots, long-lines, or other item upon any quay or boat, slip or upon the chain or railing of any quay or boat slip under the control of the Commissioners within the port, without the permission of the Harbour Master in writing.
42. A rope, chain or impediment shall not, except temporarily in cases of emergency, be laid or run from a vessel across any steps or stairs leading from a quay to the water, so as to obstruct the free passage up and down such steps or stairs.

43. The owner of every vessel shall be answerable to the Harbour Authority for any damage done through wilful act or breach of duty to any works, plant, machinery or other property of the Commissioners by such vessel or by a person employed about the same, and the master or person having charge of such vessel through whose wilful act or negligence any such damage is occasioned, shall also be liable to make good the same.

PIERS JETTIES AND SLIPWAYS

44. The owners of craft occupying a berth at a pier quay or mooring in the port, under the control of the Harbour Commissioners, shall have consideration for the proper use of the limited berthage available, and give way to both the commercial needs of the port and Island residents and allow safe access to steps and slips.
- [a] To this end, craft that are not in regular use are required not to berth at piers or slips.
- [b] And such craft may be removed by the Harbour Commissioners at the expense of the owner.

PART VIII: CARGO OPERATIONS, PORT WASTE MANAGEMENT PLAN, DAMAGE TO AND BY VESSELS

CARGO OPERATIONS

45. The Master of any vessel within the port shall ensure that, during the Night, good and sufficient lighting is provided in accordance with law near gangways, passages and all working areas to ensure the safety of persons embarking or disembarking from such vessel.
46. Where goods are being loaded into, or unloaded from a vessel within the limits of the port, the master of the vessel, or some competent officer of the vessel, shall superintend the loading or unloading. The master of a vessel entering within the limits of the port for the purpose of loading or discharging cargo, shall cause the vessel to cease loading or discharging if required so to do by the Harbour Master.
47. The master of any vessel shall provide his vessel with fenders or other suitable appliances for the protection of the quay walls or of his own or another vessel.

48. The master and crews of all vessels occupying a berth at the quays shall, if so required by the Harbour Master, give free access over the decks of their vessels for persons and goods to and from vessels berthed outside.
49. All cargo, whether discharged from, or to be put on board any vessel, shall be laid down at a distance of at least two metres from the edge of the quay, and clear of all moorings posts, hydrants, slops, steps and cargo handling machinery, and be immediately either removed from the quay or put on board ship as the case may be.
50. The person in charge of the loading or discharging of any vessel shall ensure that the quay is left in a clean and useable state. In the event that the quay is not left in such a condition the person in charge shall pay to the Commissioners all costs incurred in cleaning and shall be deemed to have committed an offence against this byelaw.
51. No garbage, any kind whatsoever, shall be thrown into the waters of, or on the beach or foreshore within the limits of the port, nor shall oil of any description be discharged into, or allowed to escape into the waters of the port.
 - [a] There shall not be permitted any excessive noise in the course of loading or discharging vessels.

PORT WASTE MANAGEMENT PLAN

52. Bantry Bay Harbour Commissioners operate a Port Waste Management Plan and arrangements for the collection and disposal of waste are in place. No rubbish of any kind shall be put from any vessel on to the quays excepting that provision has been made by the master of such vessel for the prompt removal of such rubbish, otherwise the Harbour Master shall cause the same to be removed at the expense of the master or owner who shall be deemed to have committed an offence against this byelaw.
53. Articles dropped or thrown into the waters of the port shall be immediately recovered by the person concerned if it is reasonably possible for him to do so, or failing that, and if practicable they may be recovered by the Commissioners at his risk and expense.

DAMAGE TO AND BY VESSELS

- 54.
- [a] The master, whose vessel takes the ground, shall be responsible for any damage that may occur to her by so doing.
 - [b] The master or owner or operator of any vessel which, by taking the ground, or for any other reason, impedes or obstructs another vessel, shall be responsible to the owner or operator of such other vessel for consequential losses, except as a result of pier maintenance and dredging operations.
55. Pyrotechnics shall not be discharged by or by the directions or orders of any person, to endanger life, shipping or property within the port.
56. The Commissioners Officials may at any time whilst a vessel is in the port, board such vessel and inspect it or any part of it in execution of their duty.
57. No person shall obstruct any officer or servant of the Commissioners in the exercise of performance of his duties.

PART IX: AQUACULTURE, SHELLFISH POTTING

AQUACULTURE

58. The owner of each aquaculture long-line, cage, raft or other structure shall comply strictly with the provisions of any licence granted for such developments. In particular, the conditions with regards the marking, lighting and positioning of the developments shall be adhered to.
59. Owners shall be liable to the injured party for any damages or personal injury as a result of aquaculture structures not being properly marked, lit or positioned.

SHELLFISH POTTING

60. Pots and devices for the entrapment of lobsters, shrimps, crabs etc shall not be located so as to obstruct navigation channels or anchorages. Any pots or devices deemed to be causing an obstruction to navigation shall be removed without further notice. Strings should be marked with a clearly visible marker buoy.

61. Lead lines for such pots etc. shall be of the non-buoyant type or shall be otherwise weighted so as not to cause an obstruction.

**PART X: OIL TERMINAL OPERATIONS, OIL POLLUTION INSURANCE, SINGLE POINT
MOORING (SPM) RESTRICTED AREA, SPM EXCLUSION ZONE**

OIL TERMINAL OPERATIONS

62. Tankers using the port shall do so in compliance with the “Dangerous Substances (Oil Jetties) Regulations 1979 and instructions contained in the Oil Terminal Port Information Booklet as approved by the Harbour Master.

OIL POLLUTION INSURANCE

63. Vessels entering Bantry port must produce on request by a representative of the Harbour Commissioners, evidence of appropriate pollution control insurance in accordance with the industry norms.

SINGLE POINT MOORING (SPM) RESTRICTED AREA

64. The area bounded by imaginary lines joining the co-ordinates; -

	Latitude	Longitude
No.1	<i>51°42.23'N.</i>	<i>09°32.80'W</i>
No.2	<i>51°42.40'N.</i>	<i>09°31.92'W</i>
No.3	<i>51°41.19'N.</i>	<i>09°31.31'W</i>
No.4	<i>51°40.76'N.</i>	<i>09°32.06'W</i>

shall be referred to as the SPM Restricted Area.

65. Within the SPM Restricted Area, anchoring, trawling, dredging, and other activities likely to endanger; -
- [a] the SPM and its associated anchors and moorings
 - [b] floating and sub-sea hoses
 - [c] submarine pipelines and manifold
 - [d] associated controls
 - [e] the preserved archaeological wreck,

are prohibited.

SPM EXCLUSION ZONE

66. The area within a 530 metre radius of the SPM., located at; -

Latitude	Longitude
51° 41.8'N.	09° 32.1' W

shall be referred to as the SPM Exclusion Zone.

Owing to the presence of floating hoses unauthorised navigation is prohibited within the Exclusion Zone.

67. During tanker operations at the SPM only vessels engaged by the Oil Storage Facility on Whiddy Island to assist in the operation or authorised by the Harbour Master are allowed to enter the Exclusion Zone. Traffic within the Exclusion Zone is regulated for the Harbour Commissioners by the Oil Storage Facility on Whiddy Island. No vessel shall enter, operate within, or depart from the Exclusion Area without permission from the Oil Storage Facility on Whiddy Island via the Oil Terminal Control.

PART XI: PENALTIES

PENALTIES

68. Harbours Act 1946 Section 60 (as amended in the Maritime Safety Act 2005)

(12) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding €5,000.

(14) (a) Where an officer of a harbour authority authorised for the purposes of this subsection has reasonable grounds for believing that a person is committing or has committed an offence under subsection (12) of this section he or she may serve the person with a notice, in the form specified by the harbour authority in bye-laws under this section, stating that—

(i) the person is alleged to have committed the offence, and

(ii) the person may during the period of 21 days beginning on the date of the notice make to the harbour authority at the address specified in the notice a payment of €150, accompanied by the notice, and

(iii) a prosecution in respect of the alleged offence will not be instituted during the period 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.

(b) Where notice is given under paragraph (a) of this subsection—

(i) a person to whom the notice applies may, during the period specified in the notice, make to the harbour authority at the address specified in the notice the payment specified in the notice, accompanied by the notice,

(ii) the harbour authority 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,

(iii) a prosecution in respect of the alleged offence shall not be instituted in the period 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 shall be instituted.

(c) In a prosecution for an offence under this subsection the onus of proving that a payment pursuant to a notice under this subsection has been made lies on the defendant.

Given under the common seal of the Bantry Bay Harbour Commissioners this 18th day of October 2010.

By Order
MICHAEL J HENNEBRY
Chairman

The above Bye-laws, approved by the Minister for Transport on the 05th day of October 2010.

Supplement

Extracts from the Maritime Safety Act 2005

Section 10:

(1) A person shall not operate a craft in Irish waters—

- (a) without reasonable consideration for other persons using or adjacent to those waters, or
- (b) at a speed which is unreasonable in the circumstances or place, such as in the confines of a harbour or close to persons in or on the waters.

(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000.

Bye-laws relevant to speed restrictions do not apply to craft operated in the course of duty of—

- (a) the authority concerned,
 - (b) the Garda Síochána,
 - (c) the Defence Forces,
 - (d) the Revenue Commissioners,
 - (e) Inland Fisheries Ireland (within the meaning of Inland Fisheries Act 2010),
 - (f) the Irish Coast Guard,
 - (g) the Commissioners of Irish Lights, or
 - (h) the Royal National Lifeboat Institution,
- or any craft involved in bona fide law enforcement, emergency or rescue missions.

Extract from the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

SI No 921 of 2005
PLEASURE CRAFT (PERSONAL FLOTATION DEVICES AND OPERATION) (SAFETY)
REGULATIONS 2005.

Application

3. (1) These Regulations apply to pleasure craft being operated in Irish waters and to—
- (a) any person on board such craft, and
 - (b) any person being towed by such craft or on board a vessel or object of any kind, being towed by such craft.
- (2) These Regulations (other than Regulations 8 and 9) do not apply to a pleasure craft being used for rescue or other emergency purposes or for law enforcement purposes.
- (3) These Regulations (other than Regulations 8 and 9) do not apply to rowers in boats which are—
- (a) designed and specifically used for rowing in boat races and which are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union, and
 - (b) of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas.

Age restrictions on operation or control of pleasure craft

4. (1) The master or owner of a personal watercraft or a fast power craft shall take all reasonable steps to ensure that a person who has not attained the age of 16 years does not operate or control the craft.
- (2) The master or owner of a pleasure craft powered by an engine with a rating of more than 5 horse power or 3.7 kilowatts shall take all reasonable steps to ensure that a person who has not attained the age of 12 years does not operate or control the craft.

Carriage of personal flotation devices on pleasure craft (other than personal watercraft)

5. The master or owner of a pleasure craft (other than a personal watercraft) shall ensure, that there are, at all times, on board the craft, sufficient suitable personal flotation devices for each person on board.

Wearing of personal flotation devices on pleasure craft (other than personal watercraft)

6. (1) A person on a pleasure craft (other than a personal watercraft) of less than 7 metres length overall shall wear a suitable personal flotation device while on board an open craft

or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor

- (2) The master or owner of a pleasure craft (other than a personal watercraft) shall take all reasonable steps to ensure that a person who has not attained the age of 16 years complies with paragraph (1) of this Regulation.
 - (3) The master or owner of a pleasure craft (other than a personal watercraft), which is not a craft referred to in paragraph (1) of this Regulation, shall take all reasonable steps to ensure that a person who has not attained the age of 16 years wears a suitable personal flotation device while on board an open craft or while on the deck of a decked craft, other than when it is made fast to the shore or at anchor.
 - (4) The master or owner of a pleasure craft (other than a personal watercraft) shall take all reasonable steps to ensure that a person wears a suitable personal flotation device, at all times while—
 - (a) being towed by the craft, or
 - (b) on board a vessel or object of any kind which is being towed by the craft.
 - (5) This Regulation does not apply to a person on board a pleasure craft (other than a personal watercraft), which is not under way, when the person—
 - (a) is wearing, putting on, or taking off, scuba diving equipment, or
 - (b) is about to engage in, or has just completed swimming (including snorkelling) from the craft.
7. (1) Every person on a personal watercraft shall wear a personal flotation device at all times while on board, or being towed in any manner by a personal watercraft.
- (2) The master or owner of a personal watercraft shall take all reasonable steps to ensure that a person who has not attained the age of 16 years complies with paragraph (1) of this Regulation.

EXTRACTS FROM THE FISHERIES ACTS 1959

Section 223:

- (1) The Minister may from time to time by bye-law prohibit (at the option of the Minister either, as may be specified in such bye-law, absolutely or unless such conditions as the Minister thinks fit to insert in such bye-law are complied with) the use, within the waters of any specified area (being an area within the exclusive fishery limits of the State), in or from either, as may be specified in such bye-law, any boat or any boat of a specified class, of any method of trawling or seining (including fishing by means of any kind of net hauled along the bottom of the sea whether by a moving boat or by any mechanical appliance in an anchored boat), and different bye-laws may be made in respect of different classes of boats and different methods of fishing.

- (2) Every person who acts or attempts to act in contravention of any bye-law made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence under this section, to a fine not exceeding two hundred pounds, and in the case of a second or any subsequent offence under this section to a fine not exceeding five hundred pounds.
- (3) Where a person is convicted of an offence under this section, any fishing gear by means of which the offence was committed shall, as a statutory consequence of conviction, stand forfeited.
- (4) Where—
- (a) a third or any subsequent offence under this section has been committed on board the same boat, whether the person convicted is or is not the same person on each occasion, and
 - (b) such boat is at the time of the commission of such offence owned or part owned by a person who was the owner or part owner of such boat on the occasion of the commission of the previous offences,
- the Court may, in addition to any other penalty or penalties under this section, order such boat to be forfeited.
- (5) Any bye-law made under the Steam Trawling (Ireland) Act, 1889, which by virtue of section 46 of the Fisheries (Statute Law Revision) Act, 1949 (No. 27 of 1949), is in force immediately before the operative date, shall, notwithstanding the repeal of the last mentioned Act, continue in force and be deemed to be a bye-law made under this section.

Byelaws (No. 158) Bantry Bay –Trawling, dated 4 June 1894

Prohibits trawling at all times in that part of Bantry Bay within a straight line from Crowdy Point, in the townland of Bocarnagh, to Carrigskye Rock, off the townland of Ardaturrishmore, and from Carrigskye Rock to Renavanny Point, in the townland of Renavanny on the north shore of Whiddy Island, and also inside or to the east of the Bar between Whiddy Island and the mainland.

Byelaws (No. 190) Bantry Bay –Trawling, dated 6 April 1897

Prohibits trawling between sunset and the following 10 a.m. in that part of Bantry Bay inside or to the northeast of an imaginary line from Sheep's Head on the to Doonbeg Head on Bear Island, and continued by a line from the point of land on Bear Island adjacent to Sheep Island to the perch (at the entrance to Castletown Harbour).

Extracts from the Dangerous Substances (Oil Jetties) Regulations 1979

Regulation 3:

- (1) These Regulations shall apply to –
- (a) every petroleum ship which–
 - (i) is in any harbour for the purpose of or in connection with the carrying out of loading or unloading operations,
 - (ii) is moored, anchored or berthed at an oil jetty for the purpose of or in connection with the carrying out of such operations,
 - (b) any loading or unloading operations carried on within the functional area of a local authority or of a harbour authority.

Extracts from the MERCHANT SHIPPING (MEANS OF ACCESS) REGULATIONS, 1988.

4. (1) The employer shall provide adequate equipment and resources so as to ensure that there can be, at all times, a safe means of access between the ship and any quay, pontoon or similar structure or another ship alongside which the ship is secured and, without prejudice to the generality of this duty and the following Regulations, shall ensure that the Master will have available the equipment and resources necessary to enable him to discharge his general duties pursuant to paragraphs (2) and (3) of this Regulation.
- (2) The Master shall ensure that
- (a) access equipment (including safety nets) is placed in position promptly after the ship has so secured and remains in position while the ship is so secured;
 - (b) access equipment (including safety nets) which is in use:
 - (i) is properly rigged, secured, and is safe to use;
 - (ii) is so adjusted from time to time as to maintain safety of access; and
 - (iii) is maintained in a serviceable condition.
 - (c) access equipment (including safety nets) and approaches thereto are adequately illuminated.
 - (d) a life-buoy with a self-activating light and also a separate safety line attached to a quoit or some similar device is provided ready for use at the point of access aboard the ship; and

(e) in the case of a ship to which Regulation 8(1) applies, a bulwark ladder is used as a means of access.