



PORT of CORK

DEEPWATER MULTI-MODAL PORT

BYE-LAWS FOR THE REGULATION OF

VESSELS,

COMPANY PROPERTY,

GOODS ON QUAYS

AND VEHICLES

MADE BY THE PORT OF CORK COMPANY,

PURSUANT TO THE PROVISIONS OF THE HARBOURS ACTS, 1996 to 2015

Made and approved by the Port of Cork Company on the 29th Day of March 2016

PORT OF CORK COMPANY HARBOUR BYE-LAWS 2016

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PORT OF CORK COMPANY HARBOUR BYELAWS 2016

The Port of Cork Company in exercise of the powers conferred by Section 42 (1) of the Harbours Acts, 1996 -2015 (the “Act”) relating to the regulation of the Harbour and property under the control of the Company, 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.and the Merchant Shipping Act 1992 - 2014, hereby make the following Byelaws.

PART I

PRELIMINARY

1. Title and Commencement

These byelaws may be cited as the Port of Cork Harbour Byelaws 2016 and shall come into force on the expiration of 21 days from the approval of these byelaws by the Port of Cork Company.

2. Division into Parts

These Byelaws are divided into parts as follows:-

Part I	Preliminary
Part II	Navigation of Vessels
Part III	Mooring and Management of Vessels
Part IV	Goods on Quays
Part V	Vehicle Regulation
Part VI	General
Part VII	Penalties

3. Interpretation

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

"Back Storage Area" shall mean any premises belonging to or occupied by the Company, not immediately alongside a Shipping Berth, but which is for the time being defined by the company as a "Back Storage Area".

"Berth" shall include any dock, graving dock, pier, jetty, quay, mooring and other place that a vessel might lie.

“Bill of Lading” is a document generated by a shipper, detailing a [shipment](#) of [merchandise](#), giving [title](#) to the goods, and requiring the carrier to release the merchandise to a named party at the destination

"*Collector of Rates*" shall mean the Chief Executive for the time being of the Company and shall include any person duly authorised to act on his behalf.

"*Collision Regulations*" shall mean the International Regulations for Preventing Collisions at Sea 1972, with any subsequent additions, amendments or deletions.

"*Company*" shall mean the Port of Cork Company, construed in accordance with Section 7 (3) Harbours Acts, 1996 - 2015. The Port of Cork Company is, a limited liability company incorporated under the Companies Acts, 2015 and registered in Ireland No. 262368.

"*Container Area*" shall mean any area which may be from time to time so designated by the Company for the deposit of containers or flats which have been imported or are intended to be exported by sea through the Port of Cork.

"*Controlled Drug*" shall mean a controlled drug as defined in the Misuse of Drugs Act, 1977.

"*Fairway*" shall mean a channel which is designated for shipping.

"*Gender*" shall mean words importing the masculine gender shall include female gender.

"*Goods*" shall mean cargo of any description whatsoever together with any plant to include, package, case, pallet, container or other thing which conveys, carries, contains, protects or supports cargo or is designed to be made to do so and includes fish, livestock and animals.

"*Harbours' Acts*" shall mean and include the Harbours' Acts, 1996 and 2015 together with all subsequent or prior amendments to or variations thereof together with all provisions contained in any such enactments.

"*Harbour*" shall mean the Harbour as defined in the Harbours Act, 1996 and 2015 (Limits of Port of Cork Company) being

The limits extending seaward to an imaginary straight line drawn between Power Head on the eastern approach to Cork Harbour and Cork Head on the western approach and extending landward to the Eamonn de Valera Bridge and the Michael Collins Bridge in the City of Cork.

"*Harbour Craft* shall mean any vessel which is used mainly within the Harbour and operated by the Company

“*Harbour Master*” shall mean the person appointed by the Company as Harbour Master from time to time and for the purposes of these Bye-laws shall include representatives of the Company to whom the Harbour Master may delegate any of his functions pursuant to Section 37(1)(b) of the Act.

“*Harbour Premises*” means the Harbour and property including docks, Port Terminals quays, slipways, jetties, stages and all other harbours, works, land and buildings (whether owned, licenced or leased) for the time being vested in or occupied by, or administered by the Company.

“*Hazard To Navigation*” For the purpose of these byelaws, shall mean any vessel or structure having entered the Port of Cork or constructed within the Port of Cork, 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.

“*Manager Engineering Services*” shall mean the person appointed by the Company as Manager Engineering Services for the time being of the Company, and shall include the deputies and assistants of the Manager Engineering Services while acting within their authority as such deputies and assistants.

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

“Manifest” shall mean a [document](#) listing the [cargo](#), [passengers](#), and [crew](#) of a [ship](#), for the use of [customs](#) and Port officials. Where such a list is limited to identifying passengers, it is a **passenger manifest** or **passenger list**; conversely, such a list limited to identifying cargo is a **cargo manifest** or **cargo list**.

“Marpol” **73/78** is the **International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978**. (“MARPOL” is short for marine pollution and 73/78 short for the years 1973 and 1978.)

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

“*Owner*” When used in relation to Goods shall include 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.

“*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.

“Personal watercraft” shall mean 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; A Jet Ski is considered as a Personal Watercraft under these byelaws.

“Pilot” shall mean a person holding a license granted by the Company to pilot vessels in the Pilotage District.

“Pilotage District” shall mean the Port of Cork Company Pilotage District as defined in the Harbours Act, 1996.

“Port” shall mean the Port, Harbour and River of Cork within the present limits thereof, and all the quays, piers, and landing places therein, and includes all places within the jurisdiction of the Company.

“Quay” shall mean any quay, pier, jetty, wharf, landing stairs, strand, shore, or any other landing or loading place within the Port to include terminals, owned or under the control of the Port of Cork Company and its subsidiaries

“Recreational craft” shall mean 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.

“Schedule of Service and Plant Charges” shall mean the Schedule of Service and Plant Charges for the time being of the Company.

“Small Vessel” shall mean any ship, boat, lighter, barge, hulk, hydrofoil, hovercraft, air-cushion vehicle, raft, pontoon or other craft, whether mechanically propelled or otherwise of less than 20 metres in length including a sailing vessel and for the purpose of this definition ‘sailing vessel’ means a vessel designed to carry sail, whether as a sole or as a primary or supplementary means of propulsion.

“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 the Port of Cork Company 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.

“The Minister” shall mean the Minister for Transport, Tourism and Sport or his successor.

Port Terminal: shall mean any area under the control of the Port which facilitates cargo handling activities which includes goods, vehicles and persons

“Underway” when used in relation to a vessel shall mean s when that vessel is not at anchor or moored or made fast to the shore or aground and includes a vessel kedging up or down the harbour with her anchor on the ground;

“Vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

“Vehicle” shall mean any vehicle mechanically propelled or propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes, and any amphibious vehicles while on land.

PART II NAVIGATION OF VESSELS

4. Vessel Movements

The Master, or agent for the Master, of any vessel exceeding 20 metres in length requiring entry to the port, shall first submit an application to the Harbour Master either directly or by entering the required details in the SafeSeasIreland (SSI) portal, giving particulars of the name of the vessel, her net and gross tonnage, length, draught, IMO number, 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.

5. Hazardous Goods

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. Notice may be transmitted via SSI.

6. Collision Regulations

The Master of a vessel navigating within the limits of the Port shall:

- (a) Observe and obey the Collision Regulations which shall be construed as if the following bye-laws numbers 4 to 48 (inclusive) were added thereto and the entire Fairway shall be deemed to be a narrow channel. Provided that where any inconsistency arises between the Collision Regulations and any of the said bye-laws the provisions of these bye-laws shall have effects.
- (b) Exhibit from sunset to sunrise the lights prescribed by the Collision Regulations for a vessel under way.

7. Regulation of Vessels

The Master of a vessel within the limits of the Port shall, subject to the provisions of Section 46 of the Harbours Act, 1996 to 2015 and the Maritime Safety Act 2005 regulate the vessel according to the directions of the Harbour Master.

8. Speed of Vessels

(1) No person shall navigate a vessel or operate a personal watercraft and/or **Jet Ski**

- (a) Without due care and caution or at a speed or in a manner which, having regard to all the circumstances at the time, including weather conditions and the type condition and use of other vessels underway, berthed or moored, or which might reasonably be expected to be underway, berthed or moored, endangers the safety of, or causes injury to any person, any other vessel, buoy, moorings, banks of the port or any other property;
- (b) Without reducing speed and wash effect to a safe level before passing a dredger or a vessel engaged in diving operations, underwater work, quay inspection/repair, removing a sunken vessel or other obstruction or working on any buoy, mooring or navigational aid;
- (c) Without reducing speed and wash when approaching any shore, river bank, pier, slipway or beach from a distance of 100 metres. Operators of personal watercraft (Jet Skis) or fast power craft shall observe a speed restriction of 5 knots when operating, from the water line to 100m seaward on all Beaches, Piers and Slipways and shall not operate in the proximity of swimmers in any part of Cork Harbour within the defined limits of the Port, except in the event of an emergency.

(2) A mechanically propelled vessel shall not proceed at a speed in excess of six knots (over the ground) in the following areas:-

- (a) In the Upper Harbour between Blackrock Castle and the Eamon De Valera and Michael Collins Bridges. This area is designated as a “No Wash” zone, as such vessels should reduce speed to maintain *minimum steerage speed* if so needed in order to negate propeller wash.
- (b) In the Owenboy River from Navigation Buoy C2 westward to the Carrigaline Bridge.
- (c) In the Lower Harbour, East of Great Island between Marlogue Point and East Grove Quay

PROVIDED that if the safe navigation of the vessel (excluding personal watercraft) requires that it should proceed at a speed in excess of six knots then such vessel may proceed at such increased minimum speed as is consistent with the safe navigation of the vessel having due regard for other vessels using the Port and or moored/berthed.

This Bye Law shall not apply to any vessel on any occasion when such vessel is being used for rescue operations, firefighting, customs, fishery patrol, police or harbour control duties in circumstances where such speed limit would be likely to hinder the use of the vessel for which it was being used on that occasion.

The Harbour Master may in the interests of safety to navigation impose a temporary speed restriction in any area within the limits of the Port.

9. Mooring of Vessels

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 and costs for such work shall be for the Owner’s account.

10. Vessel not to be made fast to navigation buoys or marks

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 (save and except 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 hereinafter provided in the schedule of fixed penalties.

11. Vessels Swinging

No vessel shall be swung within the limits of the Port except at such times and under such conditions as the Harbour Master shall direct, and no vessel shall commence to swing while any other vessel or vessels are proceeding up or down the river near enough to foul, and no vessel shall cast loose to proceed up or down the river so as to cause damage or come into collision with any vessel in the act of swinging.

12. Vessels leaving their proper side on their own responsibility

All vessels entering into or departing from the Port or navigating within the 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 fairway which is not their proper side for the purpose of turning or otherwise, 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 that may in consequence arise.

Subject to the provisions of the Maritime Safety Act 2005, fixed notice payments as set out in section 16 of the Act may be enforced against the owners/operators of craft that breach by-law 8 above.

13. Power driven vessels underway

The Master of a power driven vessel underway shall either be on the bridge or control position of the vessel himself or ensure that there is on the bridge or control position a member of the crew who is capable of taking command of the vessel and, when a pilot is on board, is capable of understanding the pilot's directions.

14. Navigation in Fairways

- (1)The Master of a small vessel, shall keep clear of all other vessels navigating within the port limits
- (2)The Master of a vessel crossing a fairway or turning shall not stop or slow down as to cause obstruction/damage to any other vessel.
- (3)The Master of a vessel shall not intentionally permit it to drift in any part of the fairway.
- (4)The Master of a vessel proceeding along the course of a fairway shall keep as near to the outer limit of the fairway which lies on the vessel's starboard side as is safe and practicable.
- (5)Marine leisure craft, sail, power or rowing shall not impede a commercial vessel navigating within the defined navigation channel
- (6) Fishing vessels shall not tow trawls, dredges or lines within the fairway that may impede the safe passage of another vessel navigating within such a fairway.

15. Notification of Collisions, etc

The Master of a vessel which:-

- (a) has been involved in a collision with any vessel, navigational mark, shore facility or property, or has been sunk or grounded or become stranded in the harbour area, or

- (b) by reason of accident, fire defect or otherwise is in such a 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 an obstruction to a fairway;

shall as soon as reasonably practicable report the occurrence to the Harbour Master and (as soon as practicable thereafter) provide the Harbour Master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the Master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

16. Navigating while under the influence of drink or drugs

- (1) No Person shall navigate or attempt to navigate a vessel when unfit by reason of alcohol or drugs to do so.
- (2) No Master or owner of a vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Byelaw.
- (3) The Harbour Master may instruct the Master of any vessel to undergo a recognised drug or alcohol test, if in the opinion of the Harbour Master such person may under the influence of alcohol or drugs.

17. Vessel not to be moved without permission

No person shall remove any vessel from one berth to another without the previous sanction of the Harbour Master.

18. Vessel not to be anchored in certain places.

Anchoring is not permitted at any place in the Port where beacons indicate crossing submarine cables, water mains or tunnels, or any such place where the Harbour Master may so direct.

19. Whitegate Facility and Associated Piers and Jetties

All small vessels shall maintain a minimum distance of 150 metres from the Whitegate Oil Refinery.

20. Master to give notice prior to leaving a berth

The Master of a vessel, before leaving a berth, shall give notice of his intention to the Harbour Master through Port Operations on VHF Channel 12. The Master must obtain a traffic report and permission prior to departing the berth.

21. Vessels to use precautions to avoid collision

All vessels navigating within the limits of the Port shall keep a good look out, use every possible precaution to avoid collision and maintain a listening watch on VHF Channel 12 at all times

22. Vessels to keep anchor watch

The Master of any vessel which trades to sea or carries or is designed to carry passengers or cargo within the Port or Port approaches shall, while the vessel is anchored in the Port have a competent person on duty at all times to ensure that the vessel's anchored position is maintained, that the correct signals are displayed or made, and that the vessel is maintained in a safe condition and shall maintain a listening VHF watch on the appropriate channel.

PART III

MOORING AND MANAGEMENT OF VESSELS

23. Vessel not to moor at the entrance to the port without permission.

A vessel, except with the permission of the Harbour Master, shall not lie or be moored in the entrance to the Port or any other dock or graving dock within the limits thereof.

24. Vessel to have substantial mooring lines

Every vessel within the limits of the Port shall, when so required by the Harbour Master, have substantial mooring lines fixed to the dolphins or mooring posts. The Harbour Master may direct the Master of any vessel to increase or decrease the number of mooring lines utilised on any mooring bollard or appliance within the harbour.

25. Moorings to be tended

The Master of a vessel which is berthed or moored shall ensure that such vessel is securely made fast and that the moorings are adjusted as necessary to allow for the rise and fall of tide and for the loading and unloading of cargo.

26. Vessel to lie broadside to the quay

Every vessel lying at a quay within the Port, shall be so berthed as to lie broadside to the quay, except the Harbour Master otherwise directs.

27. Means of access

Any vessel within the Harbour shall have sufficient access or gangways as are required by current legislation. The Master shall cause all gangways and stages used for the purpose of access to any vessel to be placed in a safe position, duly protected and securely fastened, and to be so maintained at all times when in use and to be adequately illuminated at night.

28. Vessels not to be moored two abreast

Vessels shall not be moored two abreast at a quay within the Port, without the express permission of the Harbour Master.

29. Vessel not to be made fast to another vessel without permission

A vessel shall not be made fast or moored to another vessel without the permission of the person in charge of such other vessel and of the Harbour Master.

30. Access across decks

The Master of a vessel alongside a quay or alongside any vessel already berthed in the port shall, if required so to do by the Harbour Master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

31. Sufficiency of crew

Except with the permission of the Harbour Master, the Master of a vessel shall at all times when his vessel is within the port ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:-

- (a) To attend to his vessel's moorings
- (b) To comply with any directions given by the Harbour Master for the unmooring, mooring and moving of his vessel; and
- (c) To deal, so far as practicable, with any emergency that may arise.

32. Vessel to be kept in a moveable condition

(1)The Master of a vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the Harbour Master in writing and, subject as aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

(2)Where a vessel (other than a small vessel) is at any time not capable of being safely moved by means of its own propulsive machinery, the Master or owner shall as soon as reasonably practicable inform the Harbour Master forthwith and give to him any further information which the Harbour Master may require.

33. Vessel not to be anchored in the fairway

A vessel shall not, except in case of absolute necessity, be anchored, moored or placed in the Fairway, and should any such vessel be so anchored, moored or placed, it shall be removed from the Fairway as soon as circumstances permit.

34. Inspection facilities to be made available to the Harbour Master

The Master of a vessel shall so far as may reasonably be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

35. Lost anchor, cable or propeller

The Master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller shall:-

- (a) as soon as reasonably practicable give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbour Master so directs, shall cause it to be recovered as soon as reasonably practicable; and
- (b) In the case of an anchor or propeller leave a buoy to mark the position thereof if this is known.

36. Disabling or running of engines while moored

Once a vessel is moored alongside a quay, the engines or bow-thrust shall not be disabled or operated without the permission of the Harbour Master. Port Operations shall at all times be informed via VHF channel 12 by the Master when running non-routine engine or thruster tests

37. Towing

The Harbour Master shall regulate the manner in which any towing is carried out within the harbour limits.

38. Vessels towing to navigate with caution

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.

39. Vessel not to be fumigated without permission

The Master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

40. Vessel not to be berthed in certain places

A vessel, except with the permission of the Harbour Master, shall not be berthed or lie at or abreast of any ferry or other slip or steps within the Port, and no vessel shall be berthed or lie so as to overlie a limit post of any berth.

41. Precaution against pollution

- (a) The Master of any vessel shall take all possible precautions to prevent spillage and pollution either caused by or emanating from his vessel. Any Master failing to prevent discharge or leakage or permitting the same, shall be deemed to have contravened this Byelaw. The Master of the vessel shall be liable for all costs incurred in the cleaning-up and compensation, and shall also be liable to a fine, and/or prosecution without prejudice to the generality of the foregoing. Pumping of bilges is specifically prohibited within the harbour and shipside valves should be sealed to prevent discharge. Any form of pollution shall immediately be reported to the Harbour Master
- (b) No vessel may take bunker oil or discharge waste oil before advising the Harbour Master
- (c) No vessel shall discharge raw or treated sewage within the Harbour, all vessel shall comply with appropriate Marpol and national pollution regulations when within the Port

42. Vessel not to be laid up in the port without permission

No vessel shall be laid up in the Port save with the consent of the Harbour Master, and then only at the sole risk of the owner and on payment of the charges as outlined in the Company schedule of charges. The Harbour Master may cause every such vessel to be removed from any part of the Port where such vessel might, in the opinion of the Harbour Master, obstruct or impede navigation, cause a risk to other harbour users or cause an environmental risk in the Port and be placed by the Harbour Master in any suitable part of the Port at the expense and sole risk of the owner.

43. Use of Eastern Camber of the Boat harbour reserved for pilot launches

All vessels, other than pilot launches, are strictly forbidden to anchor or moor in or otherwise use that portion of the Boat Harbour, Cobh known as the "Eastern Camber". In this bye-law the expression the "Eastern Camber" shall mean an area bounded as follows:- On the West by the line of the Eastern side of the pier and by a straight line being an extension of the line of the eastern side of the pier projected southwards as far as the breakwater ; on the South by the northern face of the breakwater between the western and eastern boundaries; and on the North by the high water line between the western and eastern boundaries as aforesaid providing that the Harbour Master may permit locally owned fishing boats to be moored in the Camber at such points and in such manner as he may direct. Vessels other than Pilot vessels are strictly forbidden to berth on the designated Pilot Launch pontoons.

44. Preference for a crane berth

Every vessel requiring to load or discharge using shore cranes shall have the preference of a crane berth, by priority of application to the Harbour Master, and the Master or person in charge of such vessel when berthed shall proceed with all diligence to discharge or load such vessel.

45. Vessel not to retain crane berth unless she is actually using the crane

A vessel will not be permitted to retain a crane berth to the prejudice of another vessel unless she is actually using the crane. Any vessel in possession of a crane berth but not requiring to use the crane before or after ordinary working hours, shall surrender the crane berth in favour of a vessel requiring to use the crane during such period. Every such vessel shall bear its own expense in removing and re-berthing.

46. Master or other officer to supervise the loading or unloading of a vessel

Where Goods are being loaded into, or unloaded from a vessel within the limits of the Port, the Master of the Vessel, or some officer of the vessel appointed in that behalf by the Master of the vessel, shall supervise the loading or unloading.

47. Vessel to discharge quickly

The Master of a vessel entering the limits of the Port for the purpose of discharging cargo conveniently may be after entry and shall, after discharging, remove the vessel to such other part of the Port as the Harbour Master may direct.

48. Harbour Master may order loading or unloading to cease

The Master or owner of any vessel engaged in the loading or discharging of goods shall cease loading or discharging if required so to do by the Harbour Master.

49. Precautions to be taken when loading or unloading Goods including Scrap

The Master of a vessel loading or unloading loose material from the Company quays, shall cause a canvas, tarpaulin or some other safeguard to be placed in such manner as to prevent any such loose material from falling into the waters of the Port; and all such loose material, 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 mooring posts, hydrants, railway sidings and cargo handling machinery, and be immediately either removed from the quay or put on board ship as the case may be.

50. Provision of lights for night cargo operations

The Master or owner of a vessel which is loading or discharging between sunset and sunrise shall, so as to enable such work to be safely performed, maintain good and sufficient light over each hold of his vessel.

51. Articles dropped or thrown in to be recovered

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 Company at his risk and expense.

52. Temporary Restricted Zone

For reason of safety, security or pollution prevention the Harbour Master may establish a restricted area surrounding any shore, berth, jetty, slipway, beach or vessel. Entry within the limits established for such is prohibited.

53. Notice to move a Vessel within the Port Limits

The Harbour Master may, for reasons of safety, port operations, security or pollution prevention, order the Owner, Operator or Captain of any vessel to shift said vessel to another berth, or anchorage within the Port Limits as defined.

PART IV

GOODS ON QUAYS

54. Goods not to be deposited on any Quay except for shipping or unshipping

Goods shall not be deposited on any quay or Port Terminal under the control of the Company within the Port except for the purpose of being shipped into a vessel or after being unshipped from a vessel. If goods are deposited for any other purpose the Harbour Master, may, having regard to the requirements of the Collector Customs and Excise or other officer of Customs and Excise, either ORDER any such goods to be removed forthwith by the owner thereof, or he may cause the same to be removed forthwith to some convenient place and thereupon the cost and expense of such removal and consequential cost of stacking or keeping the said goods shall be repaid to the Company by the owner of such goods.

55. Regulation of goods on quays

The Owner of any Goods shall comply with such directions as the Harbour Master may give from time to time, for regulating the time, place and manner of discharging, loading, storing or otherwise bringing into or removing such goods from the Harbour Premises including Quays.

56. Goods may be removed without warning

The Owner of any Goods shall comply with any local rules made concerning the length of time goods may remain on the Quays, including sheds, subject to space availability. The Harbour Master may remove such Goods at the Owner's expense after the stipulated time without warning or within the stipulated time with warning, and/or Quay charges may be raised.

57. Goods may be refused entry

The Harbour Master may refuse entry onto the Harbour Premises of Goods which he deems to be undesirable.

58. Goods to be stowed at an approved height

Goods shall not be deposited on a quay to a greater height or to a greater loading than shall be ordered from time to time by the Manager Engineering Services.

59. Schedule of Service and Plant Charges

Provided the conditions Number 54 or Number 55 or Number 58 of these Bye-laws are not contravened, goods deposited on any quay or Port Terminal shall be subject to the conditions as detailed in the "Schedule of Service and Plant Charges".

If goods remain on any quay or in any transit shed in contravention of the conditions as detailed in the "Schedule of Service and Plant Charges", the Harbour Master may, having regard to the requirements of the Collector Customs and Excise or other officer of Customs and Excise, either order any such goods to be removed by the owner thereof, or he may cause the same to be removed to some convenient place and thereupon the cost and expense of such removal and consequential cost of stacking or keeping the said goods shall be repaid to the Company by the owner of such goods.

60. Owner of goods guilty of an offence

Any order made by the Harbour Master under Number 54 of these bye-laws may fix a time within which the owner thereof shall remove such goods and failure to so remove will render the owner guilty of an offence as provided for by Section 42, (2) of the Harbours Acts, 1996-2015.

61. Goods not removed to be subject to charges

If any goods deposited on any quay in contravention of Number 54 or Number 55 or Number 58 of these Bye-laws are not removed by the owner when ordered by the Harbour Master to so do, then the owner shall be chargeable in respect of the occupation of space by such goods, such sums as the Company shall from time to time decide.

62. Unauthorised trading prohibited

No person shall engage by way of trade, in exhibiting, buying or selling any goods or property in or on any land or premises of the Company without the prior written consent of the Company.

63. Owner of goods guilty of an offence on failure to remove the goods when directed

Any order made by the Harbour Master under Number 54 or Number 55 or by the Manager Engineering Services under Number 58 of these Bye-laws, may fix a time within which the owner thereof shall remove such goods and failure to so remove will render the owner guilty of an offence as provided for by Section 42, (2) of the Harbours Acts, 1996-2015 or any statutory amendment thereof. The Harbour Master may, having regard to the requirements of the Collector Customs and Excise or other officer of Customs and Excise, either order any such goods to be removed forthwith by the owner thereof, or he may cause the same to be removed forthwith to some convenient place and thereupon the cost and expense of such removal and consequential cost of stacking or keeping the said goods shall be repaid to the Company by the owner of such goods.

64. Goods remain at the sole risk of the owner

Goods deposited on any Quay, or Port Terminal remain at the sole risk of the Owner and the Company does not take any responsibility therefor, or for any loss of such goods or damage thereto from whatever cause arising including all or any consequential losses. GOODS MOVED by the Harbour Master under the terms of these bye-laws remain at the sole risk of the owner and the Company does not take any responsibility therefor, or for any loss of such goods or damage thereto from whatever cause arising including all or any consequential losses.

65. Owner or Master to furnish manifest

The Master or Owner shall furnish to the Company in accordance with Section 13 (2) of the Harbours Acts 1996 - 2015 a copy of the Manifest of every ship about to load and or unload and/or the Bill of Lading and the Owner shall furnish such further particulars as maybe required as to the goods to be load and or unloaded, and the Harbour Master may require full particulars of all goods brought to the quays for shipment before allowing them to be deposited thereon.

66. Rents and charges to be paid to the Collector of Rates

All rents and other charges due in respect of the goods and the cost of removal and storage (if any) shall be paid at the office of the Collector of Rates at Custom House Street, Cork.

The foregoing Bye-laws are without prejudice to the right of the Company to exercise any other powers conferred on the Company by Statute, Bye-law or otherwise.

67. The Company may vary charges

Whenever the Company is satisfied that the circumstances so warrant, the Company may make an order for the remission or refunding in whole or in part of any charges made payable under these Bye-laws or under any previous regulations. The Company may vary from time to time the charges payable under these Bye-laws in accordance with Section 13 of the Harbours Acts, 1996 -2015.

PART V

VEHICLE REGULATION

68. Vehicles to be driven with due care and attention

No person shall drive or otherwise operate a Vehicle, drive animals or traverse the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and shall comply with all speed and other restrictions. Such person shall also use designated roads and walkways where provided and also shall comply with all directions from representatives of the Company.

69. Vehicle and Driver compliance with statutory legislation

(a) (1) All vehicles and drivers that enter the Port from a public roadway or vessel for any such purpose may be subject to random inspections by the Harbour Master to ensure compliance with all applicable road safety legislation. All such vehicles are subject to the requirements of the Road Traffic act 1961 – 2014 and any amendments to such Acts.

(2) Drivers will have to produce their licence for inspection prior to operating on the site.)

(3) Current DOE Certificate for all vehicles (including trailers) used on terminal.

(3) Copy of Insurance Certificate.

(b). Driving or operating Plant or machinery while under the influence of drink or drugs

(1) No Person shall operate/drive or attempt to operate/drive when unfit by reason of alcohol or drugs to do so.

(2) A person or owner of a vehicle/plant/machinery shall not knowingly cause or permit any person to drive/operate or attempt to such, to do so is in contravention of this byelaw

(3) The Harbour Master of the Port Company may upon suspicion of intoxication when driving/operating a vehicle/plant/machinery, instruct the driver of such to undergo a recognised drug or alcohol test

70. Loads to be secured and covered

The driver of a Vehicle within the Harbour Premises shall ensure that any load carried thereon or therein is properly secured and that it complies with the statutory restrictions which apply to public roads, as to the weight of Goods to be carried, and the dimensions of the load (including Vehicle). He shall also ensure that the Vehicle is loaded in such a manner as to prevent any cargo loss or spillage, and if necessary, cover his load to prevent spillage caused by wind.

71. Accidents to be reported

Any person driving or otherwise operating a Vehicle which is involved in an accident within the Harbour Premises whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the Vehicle and report the accident to the Company as soon as is reasonably practicable thereafter and shall give his name and address to the Company.

72. Drivers to comply with the directions of the Harbour Master

Any person driving or otherwise operating a Vehicle shall comply with the directions of the Harbour Master, or any representative of the Company, in relation to parking and removal of a Vehicle.

73. Vehicles may be impounded

Any Vehicle parked in a manner which contravenes these Bye-laws may be removed to a compound for storage or disposal and the cost of storage/disposal shall be borne by the owner of the Vehicle. Any person authorised by the Port of Cork Company to remove, store or dispose of the Vehicle, shall not be liable for any loss or damage resulting to such Vehicle unless caused by wilful neglect or default.

74. Unauthorised parking of vehicles

- (a) Unauthorised parking of vehicles whether motor propelled or otherwise on Company property, is strictly prohibited.
- (b) Providing always that the Company shall not be liable for any damage, loss, or consequential loss arising from the removal or storage of such vehicles the Company may either:-
- (c) affix a warning of unauthorised parking on such vehicles or
- (d) order any such vehicles to be removed forthwith by the owner thereof or
- (e) cause same to be removed forthwith to some convenient place and thereupon the cost and expense of such removal and consequential cost of keeping the said vehicle shall be repaid to the Company by the owner or
- (f) clamp such vehicle and prevent the removal of such vehicle until the cost and expense of such clamping will be paid by the owner at a rate set by the Company which may vary from time to time.

75. Immobilisation of vehicles

When on any occasion an immobilisation device has been affixed to a Vehicle in accordance with this Bye-Law, a warning notice shall also be affixed thereto indicating that:

- (a) an immobilisation device has been affixed and that no attempt should be made to drive the Vehicle or otherwise put it in motion, and specifying the steps to be taken including such charges as are required to be discharged to secure its release. No person shall remove or interfere with any notice or immobilisation device affixed to a Vehicle.
- (b) No person shall remove or interfere with any notice or immobilisation device affixed to a Vehicle.

PART VI

GENERAL

76. Laying down moorings, buoys and other Equipment

- (a) No person shall lay down any mooring or buoy or similar equipment without the prior permission in writing of the Harbour Master nor except in accordance with such reasonable conditions or charges as the Harbour Master may impose.
- (b) A mooring, buoy or similar equipment shall as soon as reasonably practicable be removed by its owner or any other person claiming possession of it if the Harbour Master so directs.
- (c) A mooring, laid down without the permission of the Harbour Master or where the mooring owner has not complied with the conditions imposed by the Harbour Master, may be removed without notice.

77. No vessel, raft, etc. to be placed so as to obstruct any vessel or quay.

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, quay or port user, or to obstruct, or tend to obstruct, navigation. Such may be removed without notice and all removal costs directed to the owner of such objects.

78. Rafts etc. in water to be removed

The owner of a raft, anchor, buoy or other matter or thing lying in the waters of the Port shall, upon being so required by the Harbour Master, cause the same to be immediately removed from where it then is to such other place as the Harbour Master shall direct.

79. Nets not to be placed on quays or slips

A person shall not place a net upon any quay or boat-slip or upon the railing of any quay or boat-slip within the Port, without the permission of the Harbour Master. Such may be removed without notice and all removal costs directed to the owner of such objects.

80. Steps not to be obstructed

A rope, chain or impediment shall not, except temporarily in cases of emergency, be laid or run from a vessel across any steps leading from a quay to the water, so as to obstruct the free passage up and down such steps or stairs.

81. Idle or disorderly persons may be removed

Idle or disorderly persons may be removed from the Company' premises by the Harbour Master or other duly authorised person.

82. Company officials may board vessels

The Company's officials may at any time whilst a vessel is in the Port, board such vessel and inspect it or any part of it in the execution of their duty.

83. Diving operations

Notification of a diving operations, in relation to commercial activities, must be made in advance of such operation to the Harbour Masters Dept. Information as required by the port safety management system and available from the Harbour Masters Department, must be furnished by the diving contractor to an authorised person of the Port Company, prior to diving operations. No commercial diving operations shall be carried out except with the permission of the Harbour Master.

84. Hot working

No person shall carry out any operations involving burning, welding or the use of naked flames on board vessels or on quays within the harbour, except with the permission of the Harbour Master.

85. Washing/Cleaning of Vessels

The washing or cleaning of vessels at any facility, berth, slip or quay owned by the port Company shall not be permitted without the permission of the Harbour Master and in this regard, the use of environmentally harmful chemicals or marine pollutants for the purpose of hull cleaning or rust/stain removal is strictly forbidden within the harbour.

86. Prohibition of commercial activity

No person, except with the permission of the Company, shall offer any services or participate in or operate any activities of a commercial nature or for pleasure in or on any land or premises of the Company.

87. Vessels for hire

- (a) No vessel shall carry passengers for recreational or commercial purposes unless it holds either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, pursuant to the Merchant Shipping Act, 1992, as amended and any additional licences or certificates as may be required whether by statute, regulation or otherwise.
- (b) The Master of any vessel which is licensed to carry passengers for recreational or commercial purposes shall navigate and operate his vessel subject to the terms of the licence and to the orders of the Harbour Master in force from time to time.

88. International Ship & Port facility Security (ISPS) Code

Every person who shall be ordered to leave any quay, area or premises under the control of the Company, by the Harbour Master as a result of an instruction given under the above Code, shall immediately comply with such order.

89. Cobh Cruise Terminal

Every person who shall be ordered to quit / leave the Cobh Cruise Terminal by the Harbour Master while, passengers, baggage or goods are being embarked or disembarked thereat shall immediately quit the said Quay.

90. Use of Cargo Handling Appliances

The use, on the quays, roadway, port terminals or other property of the Company, of any cargo handling appliance (hereinafter call the Appliance) operated by any power source, shall be subject to the following conditions:

- (a) The Appliance shall not be brought onto Company property without the written consent of the Manager Engineering Services for the time being of the Port and shall include the Deputies and Assistants of the Manager Engineering Services while acting within their authority as such Deputies and Assistants. Applications for written consent must include full details of the appliance, including maximum ground pressure under worst laden conditions, axle loadings, outrigger details and lifting capacity.
- (b) The use of the appliance shall be restricted to goods belonging to the Owner of the appliance, or for which the Owner or Hirer is the Agent or Stevedore, and not otherwise unless with the written consent of the Harbour Master.
- (c) The appliance shall be in the charge of a competent person who shall be constantly in attendance during its use. It shall be fitted with sufficient brake power to render it under complete control at all times, and to prevent its movement when no driver is in charge. When not in use, the appliance must be effectively immobilised to prevent operation by unauthorised persons.

- (d) Repairs shall not be carried out on the appliance on any part of the property of the Company without the prior consent of the Harbour Master, and then only in a location as directed by the Harbour Master.
- (e) The name and address of the Owner or Operator shall be permanently exhibited on the appliance. It shall not be driven or towed at excessive speed or in a manner dangerous to the public. The Owner shall obey the law as to lights and notices on vehicles and shall be subject to and obey the Bye-laws of the Company and the directions of the Company' Officers.
- (f) The appliance shall not remain on any part of the property of the Company for a longer period than may be necessary, and when not in use must be removed from Company's property. If permitted to remain on Company property it shall be parked as directed by the Harbour Master.
- (g) The Appliance shall be fitted with fire extinguishing equipment of a type approved by a competent person or company. The filling or emptying of fuel tanks in an Appliance in any part of the harbour premises shall be carried out in a manner approved by the Harbour Master. . In addition to the foregoing safety precautions the Owner shall carry out such other necessary fire precaution measures as shall be required as directed by the Harbour Master or Terminal Operations Manager.
- (h) The Owner shall be liable for any damage to the property of the Company caused by or through the use of the Appliance and shall specifically indemnify the Company against damage to property and/or injury to persons which may be due to the use or presence of the appliance in the harbour area, and the Owner shall take out a policy of Third Party Insurance against such risks and shall produce the policy and premium receipts to the Company when required.
- (i) The Owner shall when so required by any of the Company' Officers afford such Officer every reasonable facility to enable him to ascertain whether these Bye-laws are duly observed.
- (j) The word goods as defined in these Bye-laws shall be deemed to include the appliance.
- (k) The driver of the Appliance shall retain in his possession at all times and shall produce to the Harbour Master on request copies of all current statutory certificates to comply with legislation governing the use of the Appliance.

The above requirements do not divest the owner or operator of his/her requirements under the Health, Safety and Welfare at Work (General Application Regulations) 2007 - 2016

91. Minimum Standards for Tugs employed to assist vessels in berthing and unberthing

- (a) This Bye-law applies to tugs with bollard pull greater than 8 tons operating within the Port Limits.
- (b) All tug operators will apply in writing to the Harbour Master for Permission to operate within the jurisdiction of the Port Company. All applications will meet the minimum standards set out in this byelaw.. Should such operators fail to meet the standards as set herein the Harbour Master may withdraw such permission.
- (c) Tug boats or other vessels within the harbour shall be subject to the directions of the Harbour Master in respect of the size and number of vessels to be towed in one train, the length of the tow and the speed at which the tow shall proceed.
- (d) 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 harbour shall comply with the following minimum standards:-
- (e) The vessels shall be classed with Lloyds, or another recognised Classification Society and shall remain in Class at all times when operational within the Port.
- (f) The vessel shall be equipped with VHF radio channels 16, 6, 8, 12, 13, 14, 73. The Master or mate shall hold the required statutory Certificate of Competency to operate such equipment
- (g) The vessel shall hold a Safety Equipment Record of Inspection (Form SUR 183) issued by the relevant government Department, a Radio Station Licence and a set of up-to-date editions of Admiralty Charts (duly corrected) of the Port of Cork.
- (h) 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.
- (i) Bollard pull shall be measured and certified at intervals of not more than five years and the measurement witnessed by an independent surveyor.
- (j) The vessel shall be manned by skilled and competent crew as follows:-
 - (1) The Master shall possess a minimum Certificate of Competency II/3 as set out in STCW 1978 regulations, amended in 1995
 - (2) Persons with higher qualifications, who have not had adequate previous tug experience, shall undergo training and shall satisfy the Harbour Master that he is competent in all aspects of towage operations. The training shall be carried out on the largest tug, of which the person will take charge. The training shall include a satisfactory number of berthings/unberthings involving large size vessels. The number of such berthings/unberthings to be decided upon by the Harbour Master.

Persons trained in this manner may, if the Harbour Master deems it necessary, be requested to demonstrate in a practical manner their competence in tug handling to him or to a person or persons appointed by him.

(1) Where a tug operator proposes to change the size and type of tug, satisfactory evidence shall be furnished to the Harbour Master, to show that the Master and crew have undergone adequate training.

(2) There shall be sufficient hands experienced in tug work to handle lines.

(3) Appropriate certificates relating to hull, machinery and equipment shall be produced on request.

(4) 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.

(5) 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. This number may be increased in consultation with the Master and Pilot concerned.

92. Marine Leisure Events/Regattas

The organiser of any Marine Leisure Event, the nature of which may impact upon or cross the “Fairway”, shall apply in writing to the Harbour Master for permission to run such event (relevant application form are available on the Port Of Cork website, (www.portofcork.ie)). Included in the application, shall be a description of the event and geographical limits, number of participants, contact details, and insurance provisions. Failure to do so shall constitute an offence.

93. Littering

Littering, leaving or throwing rubbish on any property owned by the Port of Cork Company is strictly forbidden. No person shall deposit, throw or leave rubbish/debris on any property under the ownership of the Port of Cork Company, same shall apply to any property leased, licenced or rented by the Port Company, the occupier of any such land will be liable to the Port Company for all costs associated with cleaning/collecting and disposal of such litter. The Port Company may impose on the spot, fixed or other such fines to any person or company found to be guilty of littering on Port property. The term “Litter “ shall include but not be limited to the following, cargo dunnage, cargo wrapping, lashing equipment, damaged craft, mooring equipment, fishing gear or abandoned machinery parts will be considered as litter under this byelaw. This byelaw shall include litter thrown or discarded into any waters under the jurisdiction of the port Company.

94. Vehicles or other objects discarded/driven or thrown in harbour waters under the jurisdiction of the Port

It is forbidden for any person or company to discard, drive, abandon or throw any vehicle or object into the waters under the jurisdiction of the Port of Cork Company that may impede the safe passage of any craft or vessel using the harbour and fairways or be in any way deemed harmful to the marine environment. The Harbour Master may, either order any such object/vehicle to be removed forthwith by the owner thereof, or he may cause the same to be removed forthwith to some convenient place and thereupon the cost and expense of such removal and consequential cost of keeping the said vehicle/object shall be repaid in full to the Company by the owner of such goods.

Part VII

95. ENFORCEMENT AND PENALTIES

Any person who contravenes or otherwise fails to comply with any of these Bye-laws or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-laws shall be guilty of an offence pursuant to Section 42(2) of the Harbour's Act 1996 - 2015 and shall be liable, inter alia, on summary conviction, to a fine not exceeding €5000

- (a) Where the commission by any person of any contravention of these Bye-laws is due to the act or default of some other person, that other person shall be deemed to be in contravention of these Bye-laws and that other person may be charged with, and convicted of, the offence by virtue of the Act whether or not proceedings for the offence are taken against any other person.
- (b) In any proceedings for an offence caused by a contravention of these bye-laws, it shall be a defence for the person charged to prove:-
- (c) that he took all reasonable precautions and exercised all due diligence to avoid the committing of such contravention resulting in such offence; or
- (d) that he had a reasonable excuse for his act or failure to act.
- (d) If in any case the defence provided by paragraph (c)(i) of this bye-law involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence, unless, within a period ending seven clear days before the hearing he has served on the prosecutor a notice, in writing, giving such information identifying or assisting in the identification of that person as was then in his possession.

96. Investigations

The Harbour Master or a representative of the Company may carry out such investigations, take such statements, make such enquiries and seek such information as may be deemed necessary for the purposes of carrying out his functions as Harbour Master and under these Bye-laws, including, but not limited to, any accident, fire, environmental or polluting incident or potentially polluting or contaminating incident arising within the Company Premises or involving in his opinion any damage to property or injury to persons adjacent to the Company Premises.

S U P P L E M E N T

EXTRACTS FROM

HARBOURS ACT, 1996 2015

**Pleasure Craft (Personal Flotation Devices and Operation)
(Safety) Regulations 2005. SI No 921 of 2005**

MARITIME SAFETY ACT 2005

Extract from Harbours Act 1996

Section 13--Harbour charges

(1) A company may impose charges (in this Act referred to as "harbour charges") at such rates as are from time to time determined by it on—

- (a) the owner or Master of a ship which—
 - (b) enters within its harbour,
 - (c) uses any quay, anchorage or mooring in its harbour, or
 - (d) applies within its harbour,
 - (e) the owner, consignor, consignee or carrier of goods shipped, transhipped, unshipped or stored within its harbour,
 - (c) the owner or Master of a ship which carries passengers to or from a place within its harbour,
 - (d) a person for whom any service or facility is performed or provided by it or to whom it hires any equipment.
- (2)
- (a) For the purpose of paragraph (a) of subsection (1) the Master of a ship to which that provision applies shall furnish to the company concerned such type of certificate of tonnage in respect of the ship as is specified by the company and such other documentation in relation to the ship or goods thereon as may be specified by it.
 - (b) For the purposes of paragraphs (b) and (c) of subsection (1), where passengers are to be carried, or goods are to be shipped, transhipped or unshipped, within a harbour the Master of the ship on which the passengers or goods are to be carried or are carried, or, in the case of goods which are to be transhipped, the ship from which the goods are to be transferred, shall furnish to the company concerned a statement of the number of those passengers and their classes as such passengers or, as the case may be, a true account of such goods, in such form as may be specified by the company.
 - (c) A Master of a ship who refuses or fails to furnish to a company any certificate, documentation, statement or account referred to in paragraph (a) or (b) when requested by the company to do so shall be guilty of an offence.
- (3) Different rates of harbour charges may be imposed by a company in different circumstances.

(4) Harbour charges may, in relation to anything referred to in paragraph (a), (b) or (c) of subsection (1), be imposed by a company on two or more of the appropriate persons referred to in the said paragraph (a), (b) or (c), as the case may be, and where harbour charges are so imposed the liability of the persons concerned for the harbour charges shall be joint and several.

(5) (a) without prejudice to section 14, harbour charges shall be recoverable by a company from the person or persons on whom they have been imposed as a simple contract debt in any court of competent jurisdiction.

(b) The reference in paragraph (a) to harbour charges includes a reference to any balance of an amount of harbour charges remaining due to a company after it has sold a ship, goods, equipment or stores under section 14 to satisfy those charges or has received any payment on foot of any bond or other security concerned referred to in subsection (7).

(6) A person liable to pay harbour charges to a company who evades or attempts to evade payment of the charges shall, without prejudice to any proceedings or steps taken or to be taken for the purpose of recovering the charges under subsection (5) or section 14, be guilty of an offence.

(7) (a) A company may require—

(i) where the condition specified in paragraph (a) (i) or (b) of subsection (8) is satisfied, the owner or Master of a ship, or

(ii) where the condition specified in paragraph (a) (ii) of subsection (8) is satisfied, the agent for a ship,

being in either case a ship the navigation of which or the fact of its carrying goods or passengers or of any other circumstances referred to in subsection (1) that involve the ship will result, or results, in harbour charges being imposed by the company (whether on one or more than one occasion), to give to the company a bond, or such other type of security as the company specifies, for the payment of those charges.

(b) The amount of the bond or other security that a company may require to be given under this subsection (other than in relation to harbour charges imposed in respect of a ship referred to in subsection (8) (b)) shall not exceed 25 per cent. of—

(i) if the company has imposed harbour charges on the owner, Master or agent concerned ("the person concerned") in each of two or more years prior to the making of the requirement, the average of the amount of harbour charges imposed by it on that person in such a year,

(ii) if the company has imposed harbour charges on the person concerned in only one such year, the amount of harbour charges imposed by it on that person in that year,

(iii) in any other case, the amount of harbour charges the company estimates it will impose on the person concerned in the period of 12 months commencing on the making of the requirement.

(8) The conditions referred to in subsection (7) are—

(a) that, before the making of the requirement referred to in that subsection—

(i) the owner or Master concerned has failed to pay harbour charges imposed by the company or, on 2 or more occasions, has paid harbour charges imposed by the company to the after the latest date stipulated by it for their payments, or

(ii) in the case of the agent concerned, he or she has failed to pay moneys to the company which he or she has received from a person on account of harbour charges imposed on that person by the company or, on 2 or more occasions, has paid moneys so received by him or her to the company after the latest date stipulated by it for the payments of the harbour charges concerned,

(b) that—

(i) the ship concerned has not entered the company's harbour on any previous occasion and the company does not regard it as likely that it will enter its harbour again in the period of 12 months commencing on the entry concerned, and

(ii) the owner or Master of the said has not retained an agent to act on his or her behalf for the purpose of paying any harbour charges that may be imposed by the company in the circumstances concerned.

(9) If by reason of the situation of any harbour it is necessary for a ship proceeding to such a harbour to enter or anchor within the harbour of another company, then where a ship enters or anchors within the harbour of such a company for the purpose, and the purpose only, of proceeding to the first-mentioned harbour, the said company may not impose any harbour charges in respect of such entry or anchoring by that ship:

Provided that this subsection shall not prevent the said company from imposing harbour charges of an amount that, having regard to all the circumstances, is fair and equitable in respect of any service it performs, facility it provides or equipment it hires in relation to a ship aforesaid whilst the ship is in its harbour.

(10) If the company established pursuant to section 7 in respect of the first-mentioned harbour in subsection (9) considers that the amount of any harbour charges referred to in the proviso to the said subsection that have been imposed is not, having regard to all the circumstances, fair and equitable, it may request the company which imposed the charges to cancel the imposition of the said charges and impose harbour charges of another amount or, as appropriate, reimburse the payer of the said charges a portion of the said charges, and, if the said company fails or refuses to comply with such a request, either company may refer the matter to a person nominated by the Minister for his or her determination and the determination of that person in the matter shall be final.

Section 14- Detention and sale of ship or goods for unpaid harbour charges.

(1) Where default is made in the payment of harbour charges imposed by a company under section 13 (1) the company may, subject to the provisions of this section, detain, pending payment of such charges—

- (a) if the charges were imposed under paragraph (a), (b) or (c) of section 13 (1), the ship or goods concerned or, if the goods concerned have been removed outside the harbour, any other goods within the harbour belonging to the person in default, or
- (b) if the charges were imposed under paragraph (d) of section 13 (1), any ship or goods in relation to which the service or facility concerned was performed or provided or the equipment concerned was hired or, if such goods have been removed outside the harbour, any other goods within the harbour belonging to the person in default,

and if the charges are not paid within 56 days of the date when the detention commences, sell the ship or goods in order to satisfy the charges.

(2) Notwithstanding subsection (1), if the goods detained by a company under that subsection are of a perishable nature the company may, subject to the provisions of this section, sell the goods at any time before the expiration of the period referred to in that subsection (without prejudice to its right to sell them after such expiration) in order to satisfy the harbour charges concerned.

(3) No goods forfeitable under the Customs Acts shall be detained under subsection (1).

(4) A company shall not detain, or continue to detain, a ship or goods under subsection (1) if—

- (a) the owner or Master of the ship, the owner of the goods or any other person referred to in paragraph (b) or (d) of section 13 (1), as may be appropriate, or
- (b) any person claiming an interest in the ship or goods,

alleges that the harbour charges concerned, or any of them, are not due and gives to the company, pending the determination of the question as to whether the charges are due, sufficient security for the payment of the charges which the company alleges to be due.

(5) For the purpose of effecting the detention of a ship or goods under subsection (1), the harbour Master of the harbour concerned may enter the ship or any place (including any ship or vehicle) within the harbour where the goods are and do all things in relation to the ship or goods necessary for or incidental to the said purpose and without prejudice to the foregoing may remove the goods from the said place and store them elsewhere.

(6) If a company proposes to sell a ship that it has detained under subsection (1) or goods that it has so detained and which it estimates to be of more than €20,000 in value, it shall apply to whichever of the following courts is appropriate for leave to sell the ship or goods, namely—

- (a) if the company estimates the value of the ship or goods to be not more than €30,000, the Circuit Court, or
- (b) if the company estimates the value of the ship or goods to be more than €30,000, the High Court,

and the Circuit Court or the High Court, as the case may be, shall not give such leave unless it is established that—

- (i) a sum is due to the company for harbour charges,
- (ii) default has been made in the payment thereof, and
- (iii) if the harbour charges concerned were imposed under paragraph (d) of section 13 (1), the ship or goods was or were the ship or goods in relation to which the service or facility was performed or provided by the company or the equipment was hired by the company or, as the case may be, the goods were otherwise goods which the company was entitled to detain under paragraph (b) of subsection (1).

(7) (a) If a company proposes to apply for leave to sell a ship or goods under subsection (b) it shall take such steps as may be practicable for—

- (i) bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon, and
- (ii) affording to any such person an opportunity of becoming a party to the proceedings on the application.

(c) Failure by a company to comply with a requirement of this subsection in respect of any sale shall not, after the sale has taken place, be a ground for impugning the validity of such sale but this paragraph shall not prejudice any action for damages against a company by a person suffering loss in consequence of a failure aforesaid.

(8) (a) The following provisions shall have effect in respect of an order of a court granting leave under subsection (6) for the sale of a ship (in this subsection referred to as "the order") and the sale of the ship on foot of such order—

(i) the order shall contain a declaration vesting in the company concerned by virtue of the order the right to transfer the ship, and the company shall by virtue of such declaration be entitled to transfer the ship in the same manner and to the same extent as if it were the registered owner thereof,

(ii) the sale shall operate to vest the ship in the purchaser freed of all mortgages, liens, charges or other interests therein whatsoever, and the purchaser shall not require any other evidence of the title to the ship than a copy, certified by the company concerned, of the order,

(iii) a registrar of shipping shall, on production of the order or a copy thereof certified by the company concerned, register the bill of sale effecting the transfer in the same manner as if the company were the registered owner.

(b) If a company sells a ship or goods under this section it shall secure that the ship or goods is or are sold for the best price that can reasonably be obtained.

(9) The proceeds of any sale under this section shall be applied as follows, and in the following order, that is to say—

(a) in payment of any duty (whether of customs or excise) or value-added tax chargeable on the ship or the goods, as the case may be,

(b) in payment of the expenses incurred by the company concerned in detaining, keeping and selling the ship or the goods, as the case may be (including the expenses in connection with any application to a court under subsection (6)),

(c) in payment of the harbour charges that the company concerned alleges to be due or, if an application has been made to a court under subsection (6), that the court on such application has found to be due,

and the surplus, if any, of such proceeds shall be paid to, or among, the person or persons whose interest or interests in the ship or the goods have been divested by reason of the sale.

(10) Nothing in this section shall operate to authorise the sale of any goods the importation or sale of which is for the time being prohibited by or under any enactment or to relieve from any restriction or compliance with any condition to which the importation or sale of goods is for the time being subject by or under any enactment.

(11) The power of detention and sale conferred by this section in respect of a ship shall extend to the equipment of the ship and any stores for use in connection with the operation of the ship (being equipment and stores carried in the ship) whether or not such equipment or stores is or are the property of the person who is the owner or Master of the ship and, accordingly—

- (a) references in subsection (1), subsections (4) to (9) and subsection (12) to a ship shall be construed (save where the context does not admit such a construction) as including references to such equipment and stores,
 - (b) subsection (10) shall have effect in relation to such equipment and stores as it has effect in relation to goods.
- (12) (a) An application under subsection (6) to the Circuit Court shall be made to the judge of the Circuit Court for the circuit in which the ship or goods concerned was or were detained.
- (b) If, in relation to an application under subsection (6) to the Circuit Court, that court becomes of opinion during the hearing of the application that the value of the ship or goods the subject of the application, is, contrary to the estimate of the company making the application, more than £30,000, it may, if it so thinks fit, transfer the application to the High Court.

PART III

PROVISIONS IN RELATION TO SAFETY OF NAVIGATION AND SECURITY IN HARBOUR

Section 46- Powers of harbour Master to give certain directions.

(1) The harbour Master of a harbour may, subject to any bye-laws in force in relation to the harbour, give to the Master of a ship using the harbour, such directions in connection with the user of the harbour as the harbour Master thinks proper for the purpose of protecting persons and property or regulating traffic and, in particular, for the following purposes:

- (a) regulating the time at which and the manner in which the ship may approach, enter into, go out of or lie in or at any part of the harbour and regulating the position, mooring, unmooring, placing or removing of the ship,
- (b) regulating the dismantling of the ship,
- (c) regulating the take and discharge of ballast in the ship,
- (d) regulating the loading or discharging of cargo from the ship,
- (e) preventing the ship navigating within the harbour if the harbour Master is of the opinion that it is or may become a danger to navigation.

(2) A direction given under this section shall not be repugnant to or inconsistent with any instrument made by the Revenue Commissioners under any enactment, a direction given by them under such an instrument or any enactment, or the law relating to customs.

(3) If the Master of a ship refuses or fails to comply with a direction of a harbour Master under this section or if a harbour Master cannot find the Master of a ship in relation to which he or she wishes to give a direction under this section—

- (a) the harbour Master may carry out the direction and do all things necessary for or incidental to that purpose, and
- (b) the expenses incurred in so carrying out the direction shall be paid by the Master of the ship to the company by whom the harbour Master is employed and, in default of payment, shall be recoverable by the company from the Master as a simple contract debt in any court of competent jurisdiction.

(4) If the Master of a ship refuses or fails to comply with a direction under this section he or she shall be guilty of an offence.

Section 47- Power to require removal of ship.

(1) For the purpose of carrying out any repairs or cleansing operations or for any other purpose arising in relation to a harbour, the harbour Master of the harbour may, subject to any bye-laws in force in relation to the harbour, require the Master of a ship which is at a place within the harbour to remove the ship therefrom and, when so removed, to place the ship at such place or anchorage as the harbour Master may direct.

(2) If the Master of a ship refuses or fails to comply with a requirement of a harbour Master under this section or if a harbour Master cannot find the Master of a ship in relation to which the harbour Master wishes to make a requirement under this section—

- (a) the harbour Master may carry out the requirement and do all things necessary for or incidental to that purpose, and
- (b) the expenses incurred in so carrying out the requirement shall be paid by the Master of the ship to the company by whom the harbour Master is employed and, in default of payment, shall be recoverable by the company from the Master as a simple contract debt in any court of competent jurisdiction.

(3) If the Master of a ship refuses or fails to comply with a requirement of a harbour Master under this section he or she shall be guilty of an offence.

Section 48- Statement of ship's draught and cargo.

(1) (a) The harbour Master of a harbour may at any time (including a time which is prior to the arrival of the ship within the harbour) require the Master of a ship to give to him or her a statement of the draught of the ship.

- (b) If the Master of a ship refuses or fails to comply with a requirement of a harbour Master under this subsection he or she shall be guilty of an offence.

- (2) (a) Before a ship enters within a harbour, the Master of the ship shall—
- (i) furnish the harbour Master of the harbour with a statement of the take of any cargo on board the ship (howsoever contained) and the name or names of the person or persons entitled to take delivery thereof, and
 - (ii) bring to the notice of that harbour Master any defects in, and any matter peculiar to, the ship and its machinery and equipment of which the Master knows and which might materially affect the navigation of the ship or its ability to be manoeuvred.
- (b) If the Master of a ship fails to comply with this subsection he or she shall be guilty of an offence.

Section 49- Power to enter ship and inspection of ship, goods and documents.

- (1) The harbour Master of a harbour may at any time enter a ship which is within the harbour where he or she considers it necessary for the purpose of exercising any power conferred on him or her by a provision of this Act (including subsection (3)) or an instrument made thereunder.
- (2) Subsection (1) is without prejudice to section 14 (5).
- (3) The harbour Master of a harbour may—
- (a) at any time require the Master of a ship which is within the harbour to produce for inspection by him or her documents kept in relation to the ship and its crew, including insurance documents, certificates of competency, manifests, bills of lading and other documents relating to goods on board the ship,
 - (b) inspect such a ship and such goods for the purpose of ascertaining whether any provision of this Act or bye-laws made thereunder in relation to the ship or goods is being complied with.
- (4) A Master of a ship who refuses or fails to comply with a requirement of a harbour Master under subsection (3) (a) shall be guilty of an offence.
- (5) (a) The Minister may by order exempt a specified class or classes of ship that is engaged exclusively in the service of the State from the application of this section and for so long as such an order is in force this section shall be construed and have effect in accordance with the order.
- (b) The reference in paragraph (a) to an order in force shall, as respects such an order that is amended by an order in force under section 3 (4), be construed as a reference to the first-mentioned order as so amended.

Section 50- Obstruction of harbour Master.

A person who obstructs or impedes the exercise of a power conferred on the harbour Master of a harbour by this Act or an instrument made thereunder shall be guilty of an offence.

Section 51- Saver for responsibilities of Master of ship.

A direction given to or a requirement made of the Master of a ship by a harbour Master under this Act or an instrument made thereunder shall not extend or diminish any responsibility of the Master of the ship in relation to the ship or the cargo thereof.

Section 52- Prohibition on bringing certain ships, vehicles and articles within harbour.

(1) Subject to this section, the harbour Master of a harbour may refuse entry into the harbour of a ship, vehicle or other conveyance if by reason of its nature or the condition of any of the goods being carried on it such entry or its presence in the harbour thereafter would, in the opinion of the harbour Master, pose a danger to persons or property.

(2) Subject to this section, the harbour Master of a harbour may only permit the entry into the harbour of radioactive material (within the meaning of the International Maritime Dangerous Goods Code of the International Maritime Organisation) with the consent of the Radiological Protection Institute of Ireland.

(3) Subject to this section, the following are prohibited from entering a harbour—

(a) a nuclear powered ship, vehicle or conveyance,

(b) a ship, vehicle or other conveyance that is carrying any nuclear weapons,

(c) a ship, vehicle or other conveyance that is carrying nuclear material (within the meaning of section 2 of the Radiological Protection Act, 1991), or ores or other substances destined for the production of nuclear materials.

(4) The Minister may, with the consent of the Minister for Transport, Energy and Communications on the advice of the Radiological Protection Institute of Ireland, exempt a ship, vehicle or other conveyance of a specified class or classes carrying nuclear material from the application of subsection (3) (c) and for so long as such an exemption is in force subsection (3) shall be construed and have effect in accordance with the exemption.

(5) Subsections (1), (2) and (3) shall only apply to a ship of the naval service of a state (other than the State) with the prior consent of the Government.

(6) Subsections (1), (2) and (3) shall not apply to a ship in distress or where there is imminent danger to persons.

(7) Where a ship, vehicle or other conveyance having been refused entry to a harbour under subsection (1) or in contravention of subsection (3) enters a harbour, the owner and Master of the ship or the owner of the vehicle or conveyance or the person to whom the conveyance is hired at the time of the entry shall each be guilty of an offence.

(8) The harbour Master of a harbour may at any time, by notice affixed in a prominent place at the harbour, prohibit the bringing within the harbour, or any specified part of the harbour, of any article of a kind or class which is specified in the notice as being, in the opinion of the harbour Master, likely to endanger persons or property.

(9) When and so long as a notice is affixed under subsection (8) at a harbour, the notice shall have effect according to the terms thereof and—

- (a) a person who contravenes the notice shall be guilty of an offence,
- (b) the harbour Master of the harbour may remove any article brought by such person, in contravention of the notice, and place or store it elsewhere (whether within or outside the harbour) or have the article destroyed, and
- (c) the expenses of such removal and placing, storage or destruction, as the case may be, shall be paid by such person to the company whose harbour the notice aforesaid relates to and, in default of payment, shall be recoverable by that company from such person as a simple contract debt in any court of competent jurisdiction.

(10) This section shall not prejudice the provisions of the Sea Pollution Act, 1991 , in so far as they relate to harbours.

Section 53-Interference with a thing placed in harbour for purpose of safety.

(1) It shall not be lawful for a person to interfere in any way with anything provided by a company for the purpose of safety within its harbour.

(2) A person who contravenes subsection (1) shall be guilty of an offence.

Extracts from the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005. SI No 921 of 2005

Application

- (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) (a) 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.
- (b) 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) (a) 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.

(b) 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 Maritime Safety Act 2005

8. (1) Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is operating a craft

(a) on waters where it is prohibited by law to use a craft,

(b) in contravention of bye-laws made under [section 6](#) or of [section 10](#), [23](#) or [24](#), or

(c) in or on waters in circumstances (whether or not such bye-laws are contravened) which the authorised person or member considers that the craft poses—

- (i) a risk or danger to persons, or property or a serious nuisance to persons, in, on or adjacent to the waters, or
- (ii) a risk of damage to or interference with a natural heritage area or a monument or wreck protected under the National Monuments Acts,

he or she may require the person to—

- (I) cease operating the craft, or
- (II) remove or cause to be removed or allow an authorised person or a member of the Garda Síochána to remove the craft from the waters concerned.

(2) A person who, without reasonable excuse, fails to comply with a requirement under *subsection (1)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,000.

9.—(1) Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under [section 6](#), [8](#), [10](#), [23](#) or [24](#), he or she may—

- (a) where he or she reasonably considers it is in the interests of public safety, or
- (b) to prevent—

- (i) a danger to persons or property or nuisance to persons, or
- (ii) damage to or interference with a natural heritage area or a monument or wreck protected under the National Monuments Acts,

seize (using reasonable force, if necessary) and detain the craft to which the alleged offence relates until such time, in the interests of safety of persons or property in or on the waters concerned or to stop any nuisance to persons in or on the waters or to prevent damage to or interference with a natural heritage area or a monument or wreck protected under the National Monuments Acts, as the authorised person or member considers reasonable.

(2) Where a craft has been detained under *subsection (1)*, a reasonable charge may be made for the craft to be released to cover any reasonable expenses involved in the seizure or detention.

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.

11.—(1) An authorised person or a member of the Garda Síochána for the purpose of enforcing this Part may stop, board and inspect a craft in, on or adjacent to Irish waters.

(2) An authorised person or a member of the Garda Síochána may request of a person stopped under *subsection (1)* or whom the authorised person or member suspects is committing or has committed an offence under this Part to give his or her name and address.

(3) A person who—

(a) without reasonable excuse, fails to stop a craft when required under *subsection (1)* or allow its inspection, or

(b) refuses to give his or her name or address when requested under *subsection (2)* or gives a name or address which is false or misleading,

is guilty of an offence and is liable on summary conviction to a fine not exceeding—

(i) €1,000, in the case of a first offence, and

(ii) €2,000, or imprisonment for a term not exceeding one month or both, in the case of a second or subsequent offence.

12.—A person who obstructs or impedes an authorised person or a member of the Garda Síochána in the exercise of his or her functions under this Part is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or both.

16.—(1) Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under section 6, 8, 10, 11 or 12 he or she may serve the person with a notice, in the prescribed form, stating that—

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

(b) the person may during the period of 21 days beginning on the date of the notice make to the authority concerned at the address specified in the notice a payment of—

(i) €150, for a contravention of section 6 (2), 8 (2), 11 (3), or 12, or

(ii) €50, for a contravention of section 6 (3) or (4) or 10 (2),

or such other amount that, for the time being, stands prescribed, in lieu of any of those amounts, and accompanied by the notice, and

(c) 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.

(2) Where notice is given under subsection (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.

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

(4) Every regulation made under subsection (1) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.