

COMHAIRLE CHONTAE NA GAILLIMHE

GALWAY COUNTY COUNCIL



BYE-LAWS

For

The regulation of

Cill Rónáin Harbour and Cill Éinne Harbour,

Inis Mór,

Árainn,

County Galway

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1 Authorisation and Commencement

1.1 Administrative Area

Local Government Act, 2001 (No.37 of 2001)

Local Government Act, 2001 (Bye-Laws) Regulations, 2006

Maritime Safety Act, 2005 (No.11 of 2005)

Harbours Act, 1996 (No.11 of 1996)

Litter Pollution Act, 1997

Road Traffic Act, 1961

Galway County Council, being the Local Authority whose administrative area includes Cill Rónáin and Cill Éinne in the County of Galway and has under its control Cill Rónáin Harbour and Cill Éinne Harbour at the Coastline, in exercise of the powers conferred on it by Part 19 (Bye-Laws) of the Local Government Act, 2001 as amended, and Part 2 of the Maritime Safety Act, 2005, and Sections 13, 89 and the sixth schedule to the Harbours Act 1996 as amended, hereby make the following Bye-Laws.

Other uses of the Terms "Kilronan" and "Killeaney" as stated in the Admiralty Charts, etc, for the purpose of these Bye-Laws must be taken as referring to " Cill Rónáin" and "Cill Éinne" respectively and that the titles and their translations are interchangeable.

1.2 Citation of Bye-Laws

These Bye-Laws may be cited as the "Bye-Laws for the Regulation of Cill Rónáin Harbour and Cill Éinne Harbour, County Galway " and shall apply to the "Harbour Jurisdiction" as defined at Section 2.15 hereof.

1.3 Operation Date

These Bye-Laws shall come into operation on the: 1st January 2012

2 Definitions

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

2.1 Authorised Officer

“Authorised Officer” means a person for the time being authorised in writing by Galway County Council to act on behalf of the Local Authority pursuant to Section 204(1) of the Local Government Act, in respect of the Cill Rónáin Harbour and Cill Éinne Harbour, “Harbour Jurisdiction”.

2.2 Annual Permit

“Annual Permit” means the documentation issued, at the discretion of Galway County Council, in regards to Harbour Charges as set out in the Second Schedule Part 1 as defined at Section 12.2 hereof, to the Vessel Operator on an annual basis which allows a Vessel to operate within the “Harbour Jurisdiction”.

2.3 Berthed

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

2.4 Cargo

“Cargo” means Goods carried by any Vessel, or any Goods or merchandise within the Harbour Jurisdiction, and includes freight, containers, shipments, payload, merchandise, loads and consignments. It includes Goods that are packaged, wrapped, containerised, crated, skid-mounted or loose.

2.5 Cargo Handling Equipment

“Cargo Handling Equipment” means all equipment used for, or in the handling of, Cargo within the Harbour Jurisdiction.

2.6 Close-Quarters Situation

“Close-Quarters Situation” has the meaning assigned to it in “The Collision Regulations”.

2.7 Competent Person

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

2.8 Dangerous Goods

“Dangerous Goods” means goods classified in the IMO International Maritime Organisation as the International Maritime Dangerous Goods Code (IMDG Code).

2.9 Deleterious Substance

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

2.10 Fairway

“Fairway” means any navigable channel within the “Harbour Jurisdiction”.

2.11 Fast Power Boat

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

2.12 Fish

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

2.13 Gender

Words importing one gender shall be taken as including both genders.

2.14 Goods

“Goods” means all articles and merchandise of any description including Plant, and includes fish, fish boxes, fishing equipment, livestock and animals, minerals, wares, timber, building materials, fuel, food, clothing, chattels, ballast, rock, boulders, sand, gravel, clay, and dredging materials of every description

2.15 Harbour Jurisdiction

The "Harbour Jurisdiction" means the jurisdiction to which these Bye-Laws apply. It means the coastline and coastal waters at Killeany Bay inclusive of all Pier and Slipway surfaces (as defined under section 2.34, 2.36 and 2.39), and situated between the High Water Mark (HWM) and the outer limits of the Harbour Jurisdiction as defined by a green line X-Y-Z on the said map that is sealed with the Seal of Galway County Council (Appendix 1), together with the Quay, Piers and Slipways and adjacent landward area under the control or management of the Galway County Council as set out in *Appendix 1* and as delineated red on the map thereof annexed hereto and sealed with the Seal of the Local Authority. Harbour Jurisdiction means the Harbour to which these Bye-Laws applies.

2.16 Harbour Master

"Harbour Master" means Authorised Officer which is the person(s) appointed in writing with that title by Galway County Council .

2.17 Harbour Notice

"Harbour Notice" means a notice described as such and includes a subsequent Harbour Notice amending or replacing a Harbour Notice. A Harbour Notice will be placed in a prominent position in the Harbour Jurisdiction on a harbour notice board.

2.18 The Islands

The "Islands" means the islands located off the coast of, and within, the County of Galway.

2.19 Laid-Up Vessel

Vessels are said to be Laid-Up if they are not in active service; out of commission for fitting out, awaiting better markets, needing work for classification or not registered or not licensed or disregistered, hulks or derelicts. The Master or Owner of a Vessel intending to be Laid-Up in the Harbour Jurisdiction shall report same to the Harbour Master and such Vessel may thereupon be Laid-Up in a position as designated by the Harbour Master, for as long as he may see fit, at the sole risk of the Owner whilst in the harbour jurisdiction, if, in the opinion of the Harbour Master, the laying up in the Harbour Jurisdiction will not interfere with the working of the Harbour. The Owner or Master shall also ensure that there is the minimum crew available that the Harbour Master may require.

2.20 Rates for Laid-Up Vessel

The Owner or Master of a Vessel during the time such Vessel is Laid-Up shall pay the Nominated Payee Officer of Galway County Council such Harbour Charges as set out in the *Second Schedule* as defined at Section 12.2 hereof.

2.21 Length

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

2.22 Local Authority

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

2.23 Master

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

2.24 Moored

"Moored" when used in relation to any Vessel, means any Vessel: made fast to a mooring chain or mooring buoy either ahead or astern or both at a Mooring that is assigned by the Harbour Master for that purpose; or made fast against any other Vessel so made fast; or made fast both ahead and astern by anchor in a position that has been approved by the Harbour Master.

2.25 Mooring

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

2.26 Nominated Payee Officer

Nominated Payee Officer means a person authorised in writing by Galway County Council to collect any monies owed to the Local Authority.

2.27 Owner

"Owner", when used in relation to a Vessel, includes any part-owner, broker, agent, mortgagee or charterer in possession of such Vessel, or other person or persons entitled for the time being to possession of the Vessel;

when used in relation to Cargo (as hereinafter defined), includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of such Cargo and also includes any other person in charge of the Cargo and his agent in relation thereto; and

when used in relation to a Vehicle or item of Plant, includes any part-owner, agent or other person having charge of the Vehicle or item of Plant for the time being.

2.28 Passengers

"Passengers" mean persons using a Passenger Vessel, Vessel and/or Vehicle as defined herein.

2.29 Passenger Vessel

"Passenger Vessel" means a Vessel, engaged either exclusively or otherwise in the conveyance of Passengers by sea, whose Owner is both licensed, by the Department of Transport and/or by the Department of Agriculture, Fisheries and Food (or any other relevant Departments) and holds a valid "Passenger Vessel Permit" issued by Galway County Council to carry such Passengers to or from the Pier and/or Harbour Jurisdiction. The distinction between Passenger Vessel and Vessel is added for the purpose of clarifying the relevant Harbour Charges and Permits.

2.30 Passenger Vessel Operator and/ or Vessel Operator

"Passenger Vessel Operator" and/or "Vessel Operator" means the Owner responsible for a Passenger Vessel/Vessel.

2.31 Passenger Vessel Permit

"Passenger Vessel Permit" means the documentation issued by Galway County Council to the Passenger Vessel Operator on an annual basis which allows a Passenger Vessel to operate within the "Harbour Jurisdiction".

2.32 Personal Watercraft

"Personal Watercraft " (Jet-Ski) means a power-operated pleasure craft or personal water craft, propelled by water jet capable of travelling at high speed.

2.33 Permit Holder

“Permit Holder” in relation to a Passenger Vessel Permit, Vessel Permit and/or Vehicle Permit , means the person named on the Passenger Vessel Permit, Vessel Permit and/or Vehicle Permit or the person authorised in writing to act on behalf of the Permit Holder.

2.34 Pier

The “Pier” may refer to Cill Rónáin Pier, Cargo Quay, Seán Céibh Cill Rónáin Pier and Cill Éinne Pier and includes any docks, wharf, jetty, dolphin, landing stage, or other structure used for berthing or mooring Vessels, and includes any Pier, roadway or footway immediately adjacent and affording access thereto, also any surface under the control or management of the Local Authority as set out in *Appendix 1* and as delineated red on the map thereof annexed hereto and sealed with the Seal of the Local Authority.

2.35 Plant

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

2.36 Quay

“Quay” means any Pier, and includes any roadway or footway immediately adjacent and affording access thereto as set out in *Appendix 1* and as delineated red on the map thereof annexed hereto and sealed with the Seal of the Local Authority.

2.37 Shed

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

2.38 Singular and Plural

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

2.39 Slipway

The “Slipway” means any Slipway within the Harbour Jurisdiction as set out in *Appendix 1* and as delineated red on the map thereof annexed hereto and sealed with the Seal of the Local Authority

2.40 Summer Season

“Summer Season” means the months of April, May June, July, August and September.

2.41 The Collision Regulations

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

2.42 The Dumping at Sea Act

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

2.43 The Harbours Act

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

2.44 The Litter Pollution Act

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

2.45 The Local Government Act

The “Local Government Act” means the Local Government Act, 2001 and any amendments thereof or regulations made thereunder.

2.46 The Local Government (Water Pollution Act)

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

2.47 The Maritime Safety Act

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

2.48 The Protection of Animals during Transport

The “Protection of Animals during Transport” means the Diseases of Animals (Protection of Animals during Transport) Order, 1995. (S.I. No. 98 of 1995).

2.49 The Regulations

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

2.50 The Safety, Health and Welfare at Work Act

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

2.51 The Waste Reception and Handling Plan

“The Waste Reception and Handling Plan” means the Waste Reception and Handling Plan for County Galway Harbours and Piers.

2.52 Third Party

Third party is defined as someone other than the principals directly involved in a transaction or agreement.

2.53 Vehicle

“Vehicle” includes any “mechanically propelled vehicle” or propelled on rails, any machinery on wheels or caterpillar tracks, trailers caravans and mobile homes and any amphibious vehicles while on land as defined in accordance with the terms of the Road Traffic Act, 1961 in addition to any horse and/ or horse-drawn hackney carriage, jarvey car, jaunting car, bicycle, or towed item such as a boat trailer.

2.54 Vehicle Operator

“Vehicle Operator” means the Owner responsible for a Vehicle.

2.55 Vehicle Permit

“Vehicle Permit” means the document issued by Galway County Council to the Owner specific to that Vehicle. The Vehicle Permit will be issued to the Owner of the Vehicle on an annual basis which allows the Vehicle to operate within the “Harbour Jurisdiction”. The Owner or Vehicle Operator shall comply with any terms and conditions of the Vehicle Permit granted by the Galway County Council and/ or Harbour Master.

2.56 Vessel

“Vessel” meaning a ship, boat, raft or water craft of any description whether self-propelled or not, and includes non-displacement craft, seaplanes and any other device constructed or adapted for floating on, manoeuvring on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle during such time as it is in, or hovering over, the water.

2.57 Vessel Permit

“Vessel Permit” means the documentation issued by Galway County Council to the Vessel Operator on an annual basis which allows a Vessel to operate within the “Harbour Jurisdiction”. The Owner or Master of the Vessel shall comply with any terms and conditions of the Vessel Permit granted by the Galway County Council and/ or Harbour Master.

2.58 Vessels Wash

“Vessel Wash” is the turbulence created by the Vessel as it moves through the water. Wash size and influence is affected by the amount of water the Vessel displaces, the Vessels speed, it’s planing attitude and other factors such as water depth.

2.59 The Waiting Area

The “Waiting Area” means the area of the Pier set out by the Harbour Master and/or Galway County Council before a “Passenger Vessel Permit”, “Vessel Permit”and /or “Vehicle Permit” are issued.

2.60 The Roads Traffic Act

The “Road Traffic Act” means the Road Traffic Act, 1961 and any amendments thereof or regulations made thereunder.

2.61 Written Notice, Evidence or Approval

When “Written Notice”, “Written Evidence”, or “Written Approval” is specified, all correspondence should be sent to:

The Harbour Masters Office, Cill Rónáin, Inis Mór

And

Roads & Transportation Unit, Galway County Council, Prospect Hill, Galway.

Fax: 091 509059;

All terms used in these Bye-Law(s) shall have the same meaning as set out in the Act(s) detailed in the appropriate Bye-Law. Where there is any conflict between these Bye-Law(s) and the Act(s), the provisions of these Bye-Laws shall prevail.

3 Harbour Master's Orders

3.1 Harbour Master's Orders

Notwithstanding any other provision hereof, failure on the part of the Master, Owner, servant, agent or other person to comply with any directions, instructions or permission given orally or in writing by the Harbour Master to such person shall constitute a contravention of these Bye-Laws. A person shall not be bound to comply with such directions, instructions or permission of the Harbour Master unless the Harbour Master produces, if requested by the person, evidence of appointment for the purposes of Part 19 of the Local Government Act.

3.2 Investigations

The Harbour Master 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 of 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 Harbour Jurisdiction or involving in his opinion any damage to property or injury to persons adjacent to the Harbour Jurisdiction.

3.3 General

The Master of a Vessel within the Harbour Jurisdiction shall comply with all directions issued to him by the Harbour Master. The Owner or Vehicle Operator or Owner/ Operator of Plant or Cargo shall comply with all directions issued to him by the Harbour Master.

4 Movement of Vessels in the Harbour Jurisdiction

4.1 Navigation

4.1.1 **Harbour Master's control**

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

4.1.2 **Harbour Master's directions**

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

4.1.3 **Navigate in a seamanlike manner**

The Master shall navigate his Vessel with such care and at such speed and in such manner as not to endanger the lives if or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuring, loading or discharge of other Vessels, or with Moorings, or Pier, and always subject to such directions as may be issued by the Harbour Master. The Master of the Vessel shall at all times have regard to the effect of the Vessels Wash. In order to comply with the above and with the Collisions Regulations and Maritime Safety Act, the Master must navigate in a seamanlike manner and at no greater speed than 5 Knots.

4.1.3.1 **Regulate Rate of Speed**

The Harbour Master may regulate the rate of speed of Vessels within the Harbour Jurisdiction or any specified portion of the Harbour Jurisdiction or in any special circumstances require Vessels to stop or slow their engine at a specific place.

4.1.4 **Patrolling, Gardai etc.**

Bye-Law 4.1.3 shall not apply to any Vessel on any occasion when involved in bona fide law enforcement, emergency or rescue missions or being used for patrolling, fire- fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the Vessel for the purpose for which is being used on that occasion.

4.1.5 **Regulating course and speed of Vessel**

The Master of any Vessel navigating in any part of the Harbour Jurisdiction when approaching any dredger, lighter, diving apparatus or any other Vessel which may be stationary, or when approaching

any barge, tender, ferry or other small craft whether stationary or in motion shall so regulate the course and speed of his Vessel as not to damage or interrupt the dredging or diving nor to injure or endanger the safety of such dredger, light tender, lighter, diving apparatus, divers or other Vessel, barge, tender, Ferry or small craft.

4.1.6 Vessel running foul

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

4.1.7 Communication from the Pier

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

4.1.8 Directions to Berth

The Harbour Master may decide to direct the Master of a Vessel to Berth, Moor or move such a Vessel. In the event that the following occurs;

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

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

4.1.9 Incorrect use of the Fairway

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

4.1.10 Navigation by sail and mechanical means

Vessels capable of navigation by both sail and mechanical means shall navigate by mechanical means within 300m of any Quay.

4.1.11 Responsibility

Masters shall be fully responsible for the safe Berthing or Mooring of their Vessels.

4.1.12 Competent Person on board

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

4.1.13 Influence of drink or drugs

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

4.2 Arrival / Departure within the Harbour Jurisdiction

4.2.1 Reporting expected arrival

The Master or Owner of a Vessel, other than a fishing Vessel of a Length of 29 metres or less or of a net register tonnage of 61 tonnes (169.80 cubic metres) or less shall, at least 24 hours prior to arrival at the Harbour Jurisdiction, report the expected arrival together with particulars as to tonnage and draft of the Vessel to the Harbour Master who shall assign a berth to the Vessel if such be available.

4.2.2 Notice of intention to remove a Vessel

The Master or Owner of a Vessel, other than a fishing Vessel, of a Length of 29 metres or less or of a net register tonnage of 61 tonnes (169.80 cubic metres) or less, before removing the Vessel from a Berth in the Harbour Jurisdiction, shall give at least 24 hours notice of his intention to do so to the Harbour Master.

4.2.3 Harbour Master's consent

No Vessel shall be moved from one Berth to another except with the prior consent of the Harbour Master. Provided always that if the person is unable after reasonable enquiry to find the Harbour Master and the movement of the Vessel is in accordance with the practice normally approved by the Harbour Master, the Vessel may be moved. In all such instances, the Master must give written notice of intention to move the Vessel setting out its name and the Berth to which it is proposed to move the Vessel.

4.2.4 Control procedures and refusal of entry

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

5 Vessels at Rest in the Harbour Jurisdiction

5.1 Position of Berth

5.1.1 **Designated Mooring place**

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

5.1.2 **Berthed lying broadside to the Quay**

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

5.1.3 **Lying alongside the Quay**

Vessels shall not lie alongside any Quay or opposite a berth or berths designated by the Harbour Master in the Harbour Jurisdiction, except when loading or discharging Goods, or when taking on fuel, water, ice or other necessary supplies. All such operations shall be carried out as expeditiously as possible.

5.1.4 **Preference of Berth**

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

5.1.5 **Berthing near loading facilities**

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

5.1.6 **Temporary storage of Vessels out of the water**

A Vessel may only be lifted out from the waters with the consent of the Harbour Master. Such vessel may be temporarily stored at a location in the Harbour Jurisdiction to be agreed beforehand and for a period of time to be agreed with the Harbour Master.

5.1.7 **Reserved Berths**

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

5.1.8 Laid-Up Vessels

The Master or Owner of a Vessel intending to be Laid-Up in the Harbour Jurisdiction shall report same to the Harbour Master and such Vessel may thereupon be Laid-Up in a position as designated by the Harbour Master, for as long as he may see fit, at the sole risk of the Owner whilst in the Harbour Jurisdiction, if, in the opinion of the Harbour Master, the laying up in the Harbour Jurisdiction will not interfere with the working of the Harbour. The Owner or Master shall also ensure that there are the minimum crew on hand that the Harbour Master may require.

The Owner or Master of a Vessel during the time such Vessel is Laid-Up shall pay the Nominated Payee Officer of Galway County Council such Harbour Charges as set out in the *Second Schedule* as defined at Section 12.2 hereof.

5.1.9 Slipway

The Slipway(s) shall be kept clear at all times, other than when launching or recovering Vessels, Vehicles and or Cargo or with the express permission of the Harbour Master.

5.2 Proper Conduct While Moored

5.2.1 Use of crane or similar equipment

Except with written consent of the Harbour Master no person shall use a crane or similar equipment or use or attach a grab on any of the Piers in the Harbour Jurisdiction.

5.2.2 Transfer of Fuel/ Bunkers

No transfer of fuel or bunkers shall take place without the prior approval of the Harbour Master, who may designate where, when and within which time periods such transfer may take place.

Furthermore, before any such transfer of fuel or bunkers takes place, Galway County Council must be fully indemnified in respect of any claims that may arise from such operations.

5.2.3 Suitable Light display

Vessels Moored, Berthed or anchored in the Harbour Jurisdiction shall ensure that suitable and sufficient light is maintained at all times over the Vessel in accordance with the Collision Regulations or whenever required to do so by the Harbour Master.

5.2.4 Immobilisation of the main propulsion unit

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

5.2.5 *Fastening Vessels in the Harbour Jurisdiction*

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

5.2.6 *Ropes, etc. not to be loosened*

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

5.2.7 *Rope, chain or similar impediment obstructing stairs*

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

5.2.8 *Access and egress via gangway or stage*

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

5.2.9 *Laying Moorings*

The Master of a Vessel shall not lay moorings in the Harbour Jurisdiction without the written consent of the Harbour Master and such moorings shall be removed when no longer required or when a Master is instructed to do so by the Harbour Master.

5.2.10 *Identifying location of anchors*

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

5.2.11 Marking loose anchors

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

5.2.12 Removal of a raft, anchor, buoy, etc

The Harbour Master may remove any raft, anchor, buoy or other floating object in the water of the Harbour Jurisdiction if the Owner/Master fails to do so. In such circumstances, the associated cost shall be charged against the Owner/Master and recoverable as a simple contract debt in any court of competent jurisdiction.

5.2.13 Causing a Vessel to swing or cast loose

Within the Harbour Jurisdiction, a person shall not:

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

5.2.14 Free access over decks

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

5.2.15 Sails to be furled

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

5.2.16 Hatches and openings

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

5.2.17 Safety of fenced hatches or openings

Where the hatches or other openings of a Vessel which is not being loaded or unloaded in the Harbour Jurisdiction are left uncovered by permission of the Harbour Master they shall be fenced.

Where hatches or openings are uncovered the Master shall ensure that substantial and legible warning notice of the existence of such uncovered hatches or openings worded "beware of uncovered hatches or openings" shall be posted in a conspicuous place on board.

5.2.18 Inspection of Vessels

The Harbour Master may upon presentation of identification at any time within the Harbour Jurisdiction either alone or with other colleague board any Vessel and inspect it or any part thereof or for any other purpose in the execution of his authorised duties.

5.2.19 Fenders

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

5.3 Obstructions on the Harbour Jurisdiction

5.3.1 Removal of obstruction or nuisance

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

In the case of an emergency the Harbour Master may immediately move any obstruction or nuisance to the access or egress of emergency Vehicles, Vessels and/or Plant, or even if any such obstruction or nuisance poses a health and safety hazard within the Harbour Jurisdiction. In such circumstances, the associated cost shall be charged against the Owner and recoverable as a simple contract debt in any court of competent jurisdiction.

5.3.2 Destruction of Obstruction or nuisance

If the Harbour Master is unable to sell any article or thing he deems to be an obstruction or nuisance in the Harbour Jurisdiction as set out at 5.3.1 above, he can arrange for its removal and destruction. In such circumstances, the associated cost shall be charged against the Owner and recoverable as a simple contract debt in any court of competent jurisdiction.

5.4 Work on Vessels

5.4.1 Fumigation

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

5.4.2 Repair

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

6 Vessels Loading / Unloading Operations

6.1 Details of Cargo

The Master or owner of a Vessel, other than a fishing vessel, about to unload Goods other than Dangerous Goods at the Harbour Jurisdiction shall, as soon as possible, and in any event not more than twenty-four hours after arrival, give particulars to the Harbour Master of the Cargo consigned and all other information as to the Goods to be unloaded as the Harbour Master may request, and shall produce to the Harbour Master a copy of any manifest, bill of lading or charter party, and if called for, the register of the Vessel.

6.2 Excessive quantity of Dangerous Goods

The Master of a Vessel that has on board a quantity in excess of its standard equipment or normal requirements of Dangerous Goods shall not berth / moor nearer than 30 metres to any other Vessel and shall give written 48 hours notice thereof to the Harbour Master. The Harbour Master may direct that any such Vessel be Moored at an isolated location in the Harbour Jurisdiction or, if deemed appropriate, the immediate removal of such Goods from the Harbour Jurisdiction by whatever safe means that are necessary. The carriage of any explosives material is subject to the relevant Explosives Bye-Laws.

6.3 Not obstructing other Vessels

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

6.4 Cease operations on Harbour Master's directions

The Master of a Vessel engaged in loading / unloading Goods shall cease such operations if so directed by the Harbour Master.

6.5 Specified loading/ unloading period

The Harbour Master may instruct the Master of a Vessel in the Harbour Jurisdiction to load / unload Cargo within a specified period whenever in his opinion an unreasonable delay may otherwise arise. If the Master of the Vessel refuses or fails to comply with such an instruction, the Harbour Master may arrange to carry out such tasks at the Owner's risk and do all things necessary for and incidental to

that purpose. In such circumstances, the expenses so incurred shall be borne by the Master of the Vessel and may be recovered as an ordinary contract debt.

6.6 Cargo Handling and Storage

6.6.1 *Cargo loading/unloading area*

Cargo may be loaded and/or unloaded in the designated areas. No Cargo shall be deposited on any Pier within the Harbour Jurisdiction except such Cargo as may be intended to be immediately shipped through the Harbour Jurisdiction. All such Cargo shall be deposited in accordance with the directions of the Harbour Master and shall be immediately removed or relocated as directed by the Harbour Master.

All Cargo to be deposited temporarily in the Harbour Jurisdiction shall be deposited in such a manner as not to interfere with the free safe passage of Vehicles, including emergency response Vehicles, and shall be subject to the instructions of the Harbour Master.

Cargo shall not be permitted to remain within the Harbour Jurisdiction, without the permission of the Harbour Master for more than three hours or any such period as may be directed by the Harbour Master. Cargo or Goods that remain on the Pier or Slipway for time periods contrary to any such direction may be removed by the Harbour Master and stored elsewhere. The Owners of such Goods or containers shall be liable for all associated removal costs.

6.6.2 *Cargo storage area*

The Harbour Master will designate storage areas for both incoming and outgoing Cargo, except as permitted in section 6.6.1.

6.6.3 *Owner's risk*

All Cargo stored or deposited within the Harbour Jurisdiction shall be at the Owner's risk.

6.6.4 *Contravention*

Where Cargo has been deposited or stored within the Harbour Jurisdiction in such a manner as to contravene these Bye-Laws, the Owner of such Cargo shall, on receipt of instruction from the Harbour Master to do so, have the Cargo removed to either a location nominated by the Harbour Master within the Harbour Jurisdiction or to outside the Harbour Jurisdiction. If the said Owner fails to comply with this requirement then the Owner shall be deemed to have contravened these Bye-Laws and the Local Authority shall be entitled to cause such Cargo to be removed whereupon the Owner shall be liable to the Local Authority for the cost of the removal and shall pay the Local Authority on demand the cost of such removal. All sums payable under these Bye-Laws, in respect of Cargo deposited or stored in

breach of these Bye-Laws, shall, at the discretion of the Harbour Master, be paid upon presentation of evidence of ownership, before retrieval of such Cargo. The Local Authority shall be entitled to detain such Cargo until all such payments are made.

6.7 Equipment storage area

The Harbour Master will designate areas for Cargo including, fishing equipment and ancillary equipment. The designated areas on the Pier shall only be used for such equipment. Equipment shall not be stored on the Pier in excess of three hours unless prior permission is given from the Harbour Master.

6.8 Sufficient light

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

6.9 Safety

The handling, stacking, storage or movement of Cargo by any person in the Harbour Jurisdiction shall be undertaken in a safe manner and shall be subject to the direction of the Harbour Master. Cargo intended for shipment (through the Harbour Jurisdiction) shall not be stored on the Pier in excess of 24 hours unless prior permission is obtained from the Harbour Master.

6.10 Use of matches, lighters, etc.

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

6.11 Fire-fighting equipment

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

6.12 Liability for loss or damage of Cargo

Galway County Council or the Harbour Master shall not be liable for loss of or damage to any Cargo, containers, Vehicles, Vessels, boats, fishing nets, warps, Plant or livestock whilst in the Harbour Jurisdiction howsoever caused.

6.13 Livestock

Livestock intended for shipment shall not be allowed into the Harbour Jurisdiction, without the prior permission of the Harbour Master. All livestock intended for shipment must be transported in accordance with (Protection of Animals during Transport) Order, 1995. (S.I. No. 98 of 1995) in suitable Vehicles. In addition, livestock intended for shipment shall be placed in pens or cattle holding containers for that purpose until ready for shipment. Such livestock shall not be allowed to remain freely in the Harbour Jurisdiction without the approval of the Harbour Master. The requirements of the above mentioned S.I. No. 98 of 1995, and other relevant legislation/regulations must be observed and complied with.

6.14 Interference with Cargo

No person shall in any way interfere with Cargo, containers, Vehicles, Vessels, lights, machinery, equipment or Plant in the Harbour Jurisdiction.

7 Vessels Embarking / Disembarking Operations

7.1 Not obstructing other Vessels

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

7.2 Harbour Master's directions

The Master of a Vessel engaged in embarking/ disembarking Passengers shall cease such operations if so directed by the Harbour Master.

7.3 Specified Embarking/ Disembarking period

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

7.4 Sufficient light

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

7.5 Safety

Operators of Vessels and Licensed Passenger Vessels are obliged to ensure that persons embarking / disembarking from Vessels does so in an orderly and safe manner. In that regard, all Passenger Vessel Operators/ Vessel Operators are legally obliged as employers to prepare a Safety Statement and Health and Safety Plan in accordance with the terms of the Safety, Health and Welfare at Work Act. In addition they will also be required to prepare a Traffic Management Plan in respect of all aspects of their operations with particular reference to the management and control of Passengers.

8 Vehicles in the Harbour Jurisdiction

8.1 Vehicle Movement

8.1.1 **Harbour Masters directions**

The Harbour Master is empowered to direct the movement and parking of road traffic in the Harbour Jurisdiction, and any such direction must be obeyed.

8.1.2 **Traffic Management Plan**

All harbour users and visitors must comply with any traffic management plans that maybe implemented by the Local Authority for the Harbour Jurisdiction and any other areas covered by any traffic management plan. In the Harbour Jurisdiction, the Harbour Master is empowered to implement the requirements of any relevant traffic management plans.

8.1.3 **Waiting on the Pier or place in the Harbour Jurisdiction**

A Vehicle engaged in transporting Passengers, Cargo, or Plant to or from a Vessel shall only remain alongside it and on the Pier for as long as it is deemed necessary by the Harbour Master. Such operation shall be carried out as expeditiously as possible and in accordance with any directions given by the Harbour Master. No other Vehicle shall wait on any Pier or place in the Harbour Jurisdiction other than at a place designated for parking during the time so designated. Any such Vehicle shall be removed immediately as directed by the Harbour Master. If the Owner is not available, the Harbour Master may arrange removal and any cost incurred may be recovered as a simple contract debt in any court of competent jurisdiction.

Under no circumstances shall a Vehicle and or Vessel impede any Slipway or the operation of the RNLI lifeboat emergency slipway.

A Vehicle and or Vessel shall not impede the access or egress of emergency and/or other official vehicles including those of the Local Authority or its employees while on duty with the Local Authority.

8.1.4 **Vehicle parking**

Vehicles shall only be permitted to park in those areas specifically designated for such parking and only for as long as permitted. Vehicles not complying shall be removed immediately as directed by the Harbour Master. If the Owner or Vehicle Operator is not available, the Harbour Master may arrange removal and charge the Owner the cost of removal, or will arrange for the clamping or impoundment of the offending Vehicle which shall be released only upon prior payment of a release fee as set out in *Second Schedule Part 2*.

8.1.5 Vehicle Permit

The Harbour Master and/or Galway County Council reserves the right to introduce a Vehicle Permit for Vehicles (the category of Vehicle(s) to be described on the Vehicle Permit) that wish to operate within the Harbour Jurisdiction. The introduction of a Vehicle Permit requires the following procedures to be adhered to;-

- a) Any Vehicle Operator shall not operate the Vehicle within the Harbour Jurisdiction without a valid Vehicle Permit specific to the Vehicle.
- b) The Vehicle Operator shall comply with any terms and conditions of, a Vehicle Permit granted by the Galway County Council and/ or Harbour Master.
- c) Permits are issued on an annual basis.
- d) Vehicle Permits are issued to one Vehicle only.
- e) The cost of a Vehicle Permit will be decided by the Local Authority.
- f) No Vehicle Operator can operate within the Harbour Jurisdiction until a Vehicle Permit is received.

8.1.6 Reporting accidents

Any person driving or otherwise operating a Vehicle involved in an accident in any part of the Harbour Jurisdiction, whereby any injury is caused to any person or any damage is caused to any property, shall stop the Vehicle, report the accident to the Harbour Master and give his name and address. The requirements of these Bye-Laws are without prejudice to any reporting obligations under the provisions of the Road Traffic Act, 1961 or the Safety, Health and Welfare at Work Act 2005, and amendments thereto.

8.1.7 Securing loads

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

8.1.8 Leakages and spills

The Owner of a Vehicle and/ or Vessel in the Harbour Jurisdiction shall not permit any substance to leak, spill or drop from their Vehicle and/ or Vessel within the harbour Jurisdiction.

8.1.9 Speed limit

A maximum speed limit of 15 Km/hr shall apply to all Vehicles on the Pier.

8.2 Vehicle Condition

8.2.1 *Vehicles suitable for their purpose*

Vehicles being used for the movement of Passengers or Cargo shall be suitable for their purpose and handled at all times in an appropriate manner so as to avoid damage to the Pier structures or Plant and injury to any pedestrians or drivers of other Vehicles.

8.2.2 *Good condition*

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

8.2.3 *Determination of unsuitability*

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

8.2.4 *Cleaning and repair*

Cleaning and repairing of Cargo, Plant, Vessels, Vehicles or containers in the Harbour Jurisdiction shall only be carried out at places directly authorised by the Harbour Master.

9 General

9.1 Vessels

9.1.1 **Passenger Vessel Permit**

The Harbour Master and/or Galway County Council reserves the right to introduce a Passenger Vessel Permit for Passenger Vessels (the category of Vessel(s) to be described on the Passenger Vessel Permit) that wish to operate within the Harbour Jurisdiction. The introduction of a Passenger Vessel Permit requires the following procedures to be adhered to;-

- a) The Owner of the Passenger Vessel shall not operate the Vessel within the Harbour Jurisdiction without a valid Passenger Vessel Permit specific to the Vessel.
- b) The Owner and Master of the Vessel shall comply with any terms and conditions of a Vessel Permit granted by the Galway County Council and/ or Harbour Master.
- c) Permits are issued on an annual basis.
- d) Vessel Permits are issued to one Vessel only.
- e) The cost of a Vessel Permit will be decided by the Local Authority.

9.1.2 **Vessel Permit**

The Harbour Master and/or Galway County Council reserves the right to introduce a Vessel Permit for Vessels (the category of Vessel(s) to be described on the Vessel Permit) that wish to operate within the Harbour Jurisdiction. The introduction of a Vessel Permit requires the following procedures to be adhered to;-

- a) The Owner of the Vessel shall not operate the Vessel within the Harbour Jurisdiction without a valid Vessel Permit specific to the Vessel.
- b) The Owner of the Vessel shall comply with any terms and conditions of a Vessel Permit granted by the Galway County Council and/ or Harbour Master.
- c) Permits are issued on an annual basis.
- d) Vessel Permits are issued to one Vessel only.
- e) The cost of a Vessel Permit will be decided by the Local Authority.

9.2 Inappropriate Noise and Activities

9.2.1 **Siren, steam whistle, fog horn, etc.**

No person shall sound or use or knowingly cause or permit to be sounded or used in the Harbour Jurisdiction a siren, steam whistle, fog horn, alarm or other instrument, appliance or system for

producing alarm signals on any occasion or for any purpose other than in connection with navigation or distress.

9.2.2 Loudhailer, music instrument, etc.

No person shall use or cause or permit the use of any loudhailer, music instrument or any sound amplification system, whether fitted on a Vessel, Vehicle or not, within the Harbour Jurisdiction, so as to give reasonable cause for annoyance to any other person.

9.2.3 Waste management and dumping

No waste of any kind or Deleterious Substances other than surface water shall be deposited, dumped or discharged within the Harbour Jurisdiction. All garbage, rubbish, waste oil and recyclable materials shall be deposited in the receptacles provided and shall be subject to the charges as set out in 12.2 Second Schedule Part 2.

9.2.4 Leaflets, Vouchers, Advertising, etc.

The depositing or distributing of handouts, leaflets, advertising handbills or fliers of any kind will not be permitted in the Harbour Jurisdiction.

9.2.5 Inappropriate games or activities

No person shall play any game or carry on any activity that is inappropriate to the Harbour Jurisdiction. The decision of the Harbour Master, as to what is an inappropriate game or activity shall be final.

9.2.6 Committing a nuisance

Any person committing a nuisance or interfering with the peaceful or orderly use of the Harbour Jurisdiction may be requested to depart therefrom by the Harbour Master.

9.2.7 Contravening these Bye-Laws

The Harbour Master, if of the opinion that a person has contravened these Bye-Laws, is entitled to request the name and address of such person.

9.2.8 Trading

Trading or peddling of any kind shall not be undertaken within the Harbour Jurisdiction other than in accordance with the terms of a License issued by Galway County Council under Galway County Council's Casual Trading Bye-Laws.

9.2.9 Diving

No diving operation shall be carried out within the Harbour Jurisdiction except with the consent of the Harbour Master.

9.2.10 *Swimming or bathing*

No swimming or bathing shall be carried out within the navigable channel of the Harbour Jurisdiction except with the written consent of the Harbour Master.

9.2.11 *Diving or jumping from a moving Vessel*

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

9.2.12 *Fast Power Boat, Jet Skiing, water skiing etc*

No person shall, in the interest of safety to those in the Harbour Jurisdiction, engage in Fast Power Boat, Jet Skiing, water skiing, kiting or parachute-towing within the Harbour jurisdiction without the prior consent of the Harbour Master. Maximum speed limit of 5 Knots unless prior written agreement, in exceptional circumstances only, has been given by the Local Authority and/or Harbour Master. Any such activity shall be subject to the Collisions Regulations and the Maritime Safety Act and should be carried out in a safe manner to the satisfaction of the Harbour Master and only in an area and at such times as designated by the Harbour Master. The Harbour Master may instruct such activities to cease if he considers that they are unsafe or causing a nuisance or danger to any persons or Plant, Vehicle, Vessels within the Harbour Jurisdiction.

9.2.13 *Parking overnight*

No caravan, mobile home, dormobile or other similar Vehicle, shall park or remain overnight in the Harbour Jurisdiction.

9.2.14 *Film, photograph or otherwise record for commercial use*

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

9.2.15 *Welding / cutting / grinding operations, etc.*

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

9.2.16 *Erecting, obstructing lights, signs etc.*

No person shall erect, amend, obstruct, deface, damage or remove any light, sign, notice or other aids to navigation without the prior approval of the Harbour Master, except in the case of an emergency.

9.2.17 Rockets, fireworks other explosive substances

Except in emergency no person other than the Coastguard or the RNLI shall, without the Written Approval of the Harbour Master, set off rockets, fireworks or other explosive substance within the Harbour Jurisdiction.

9.2.18 Fire or smoke producing device

No person shall cause or permit a fire within the Harbour Jurisdiction without prior approval from the Harbour Master.

9.2.19 Prevention of the Harbour Master's duties

No person shall prevent or obstruct the Harbour Master from carrying out any of his/her duties.

9.2.20 Master not at hand

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

9.2.21 Regattas, Races and Similar Events

No person shall organise or conduct any race, regatta, swimming event, public procession or similar event within the Harbour Jurisdiction except as may be previously approved by the Harbour Master. A reasonable period of not less than 30 calendar days must be given in writing to the Local Authority and/or Harbour Master prior to any such event.

9.2.22 Houseboats

No Vessel moored in the Harbour Jurisdiction (other than a Vessel used for bona fide navigation) shall be used for the purpose of residence.

9.2.23 Fishing

A person may not fish in the Harbour Jurisdiction from the Pier without the consent of the Harbour Master. The Harbour Master may issue Harbour Notices from time to time regulating the use of the Harbour Jurisdiction for fishing.

9.2.24 Fishing Nets & Pots

A person may not lay any fishing nets, pots or other fishing equipment within the Fairway of the Harbour Jurisdiction without the Written Approval of the Harbour Master.

9.2.25 Safety, Health & Welfare

Notwithstanding anything contained in these Bye-Laws, any person in the Harbour Jurisdiction shall comply with any directions he/she receives from the Harbour Master arising out of the operation of the Safety, Health and Welfare at Work Act 2005, or any amendments, regulations or any safety statements made thereunder.

9.3 Accidents

The Master of a Vessel which:

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

shall immediately report the occurrence to the Harbour Master, provide him with full details in writing and, where the damage to the Vessel is such as to affect or is likely to affect its seaworthiness, the Master shall not move the Vessel except to clear the Fairway or to Berth, Moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master. The Master of the Vessel shall also carry out any instructions as to the lighting and buoying of the Vessel forthwith. The Master of the Vessel shall be responsible for the safety of the Vessel in question; whilst the Harbour Master shall at all times have a right of inspection of such a Vessel. Any Vessel so sunk or stranded shall be removed by the Master/Owner as soon as possible and in any event within 14 days of the day on which the Vessel sank or became stranded or within such greater or lesser period as the Harbour Master may by notice in writing permit or require.

If the Master/Owner fails to obey such instructions without delay the Harbour Master may arrange for the lighting, buoying and/or removal of the Vessel. Galway County Council may recover all such costs incurred as a simple contract debt from the Master/Owner.

10 Penalties, Fines and Prosecutions

10.1 Summary conviction

10.1.1 *Fines*

In accordance with Section 205 sub-section (1) of the Local Government Act 2001 a person who is in contravention of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.61 in respect of such contravention. In accordance with Section 208 all fines in respect of a breach of these Bye-Laws shall be paid to Galway County Council.

10.1.2 *Continuous contravention*

In accordance with Section 205 sub-section (2) of the Local Government Act 2001 if the contravention of a provision of these Bye-Laws is continued after conviction the person causing the contravention shall be guilty of an offence on each day on which the contravention continues and be liable on a summary conviction for each such offence to a fine not exceeding €126.97.

10.1.3 *Offence committed by body corporate*

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

10.1.4 *Payment of costs and expenses*

Where a person is convicted of an offence under these Bye-Laws in proceedings brought by a Local Authority or the The Garda Síochána the prosecutor shall seek, (unless it is satisfied that there are special and substantial reasons for not doing so) an order that the person pay to the Local Authority or The Garda Síochána, or such other person as the case may be, the costs and expenses incurred by the Local Authority, The Garda Síochána or other person in relation to the investigation, detection and prosecution of the offence.

10.1.5 *Summary Prosecutions by The Garda Síochána or the Local Authority*

In accordance with Section 207 of the Local Government Act summary prosecutions pursuant to these Bye-Laws may be taken by The Garda Síochána or the Local Authority. The Garda Síochána are

empowered to arrest a person without a warrant for contravention of these Bye-Laws under Section 204 of the Local Government Act.

10.2 Fixed Payment Notice

10.2.1 *Serving notice*

Where a Harbour Master or member of The Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under these Bye-Laws, the Harbour Master/Garda Síochána may serve the person with a notice in the prescribed form as an alternative to a prosecution for contravention of these Bye-Laws, 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 €75, or such other amount that, for the time being, stands prescribed, in lieu of those amounts and accompanied by the notice.

10.2.2 *Payment*

Where a notice is given under section 10.2.1:

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,

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.

A prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

10.2.3 *Proving payment*

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

10.3 Right to Refuse Entry

The Harbour Master reserves the right to refuse entry to any Vessel or Vehicle that is in breach of a provision of these Bye-Laws.

11 Harbour Charges

11.1 Introduction

Galway County Council hereby imposes the various harbour charges set out in the *Second Schedule* to these Bye-Laws.

11.2 Mooring & Berthing Charges

The Owner or Master of a Vessel shall be liable to Mooring and Berthing harbour charges set out in the Second Schedule.

11.3 Passenger Charges

The Owner or Master of a Vessel that carries Passengers to or from the Harbour Jurisdiction shall be liable to harbour charges set out in the Second Schedule.

11.4 Charges on Cargo

The Owner or Master of a Vessel that ferries Cargo to or from the Harbour Jurisdiction shall be liable to harbour charges set out in the Second Schedule.

11.5 Charges payable to Galway County Council

All harbour charges payable on foot of these Bye-Laws shall be payable to Galway County Council and any charges due or owing to Galway County Council may be so recovered as a simple debt in contact in any court of competent jurisdiction. The Harbour Master reserves the right to detain or refuse entry to Vehicles/Vessels until such debt is paid.

11.6 Notice of arrival for the purpose of calculating charges

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

11.7 Exemption from fees

Fees may, at the discretion of the Local Authority, be waived for Masters/Owners of Vessels who are employees, contractors or sub-contractors of Galway County Council when employed directly or

indirectly on construction works within the Harbour Jurisdiction and within the contract period. Fees for such employees, contractors or sub-contractors may be waived outside of the contract period at the discretion of the Harbour Master. This exemption may also be applied to Vessels owned/operated by the Harbour Master, Coastguard, RNLI, Gardai, or other persons involved with official business or providing a service to the Local Authority.

12 Schedules

Schedules that are part of these Bye-Laws are included on the following pages.

12.1 First Schedule: Fixed Payment Notice

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

Name of Local Authority: Galway County Council

TO: NAME:

ADDRESS: _____

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

by: _____

at: _____

on the _____ day of _____,

During the period of twenty one days beginning on the date of this notice you may pay the sum of €75.00 producing/attaching this notice at the offices of the Local Authority named in this notice located at: ____ (insert address of Galway County Council)

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75.00 is paid during that period no prosecution will be instituted at any time.

Signed

Harbour Master/Authorised Officer

Date

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

12.2 Second Schedule: Harbour Charges

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

Second Schedule Part 1

Charge Number	Description of Facility or Service	Rate or Charge
1	<p>Fishing Vessel</p> <p>Annual composite Harbour entry charge for any fishing vessel using the facilities within the Harbour Jurisdiction.</p>	<p>€3.00 per gross registered tonne payable in advance on or before 1st January each year or on first entry to the Harbour Jurisdiction after 1st January each year.</p>
2	<p>Fishing Vessel</p> <p>Single Harbour entry charge for any fishing vessels using the harbour facilities.</p>	<p>€0.50 per gross registered tonne.</p>
3	<p>Merchant Vessel</p> <p>Annual composite Harbour entry charge for Merchant Vessel, Passenger Vessel, Tugs, Barges, etc</p>	<p>€3.00 per gross registered tonne payable in advance on or before 1st January each year or on first entry to the Harbour Jurisdiction after 1st January each year.</p>
4	<p>Merchant Vessel</p> <p>Single Harbour entry charge for Merchant Vessel, Passenger Vessel, Tugs, Barges, etc</p>	<p>€0.50 per gross registered tonne.</p>
5	<p>Cargo</p> <p>Use of the Harbour in connection with loading and discharging Cargo.</p>	<p>€0.00 per tonne</p>
6	<p>Landing of Fish</p> <p>Use of the Harbour in connection with discharging of fish.</p>	<p>€0.00 per tonne</p>

Charge Number	Description of Facility or Service	Rate or Charge
7	<p>Non fishing Vessel</p> <p>Use of Harbour by non fishing Vessels for purpose other than loading or discharging Cargo.</p> <p>I. Vessels up to 10m in length</p> <p>II. Vessels over 10m in length</p>	<p>€10.00 per day</p> <p>€15.00 per day</p>
8	<p>Annual Permit for non-fishing Vessels</p> <p>Annual Permit for non-fishing Vessels (Issued by Harbour Master)</p> <p>I. Vessels up to 6m in length</p> <p>II. Vessels over 6m and up to 12m in length</p>	<p>€15.00 per Annum</p> <p>€30.00 per Annum</p>
9	<p>Laid-Up Vessel</p> <p>Use of Harbour by Laid-Up Vessels.</p> <p>up to 20m in length</p> <p>I. for first four weeks</p> <p>II. for second four weeks</p> <p>III. for third four weeks</p> <p>IV. for thereafter</p> <p>over 20m in length</p> <p>I. for first four weeks</p> <p>II. for second four weeks</p> <p>III. for third four weeks</p> <p>IV. for thereafter</p>	<p>€75 per week</p> <p>€150 per week</p> <p>€300 per week</p> <p>€500 per week</p> <p>€100 per week</p> <p>€200 per week</p> <p>€400 per week</p> <p>€1,000 per week.</p>

Charge Number	Description of Facility or Service	Rate or Charge
10	<p style="text-align: center;">Unauthorised Vessel</p> <p>Unauthorised use of Berth, Mooring, Slipway or any other facilities.</p>	€500.00 per day
11	<p style="text-align: center;">Water Rates</p> <p>I. Use of fresh water to fill tanks.</p> <p>II. Use of water for wash down.</p>	<p>€2.50 per tonne metered.</p> <p>€10.00 minimum charge per day</p>
12	<p style="text-align: center;">Passenger Rates</p> <p>Use of Harbour by Passenger Vessels. This charge will be payable monthly.</p> <p>The charge will be €5.00 per Passenger, per annum in respect of multiple journey tickets (5 return journeys or more). To avail of this reduction the Vessel Operator must provide satisfactory evidence to the Harbour Master of such multiple journey ticket sales on a monthly basis.</p> <p>In the absence of accurate Passenger numbers the permitted Vessel Passenger Certificate complement will be charged per arrival.</p>	€0.80 per passenger, per entry.

Charge Number	Description of Facility or Service	Rate or Charge
13	<p style="text-align: center;">Slipway Rates</p> <p>I. Use of slipway for inspection/ wash down of fishing Vessel or pleasure craft.</p> <p>II. Use of Slipway for inspection/ wash down of passenger Vessel capable of carrying more than 12 passengers</p> <p>III. Use of the Slipway by Cargo Vessel for inspection/ wash down.</p>	<p>€15.00 per day</p> <p>€50.00 per day</p> <p>€50.00 per day</p>

Second Schedule Part 2

Charge Number	Description of Facility or Service	Rate or Charge
1	Miscellaneous pier cleaning and disposal of abandoned waste excluding cost of materials.	€250.00 (Minimum fee)
2	Goods improperly stored or causing an obstruction or not approved by the Harbour Master	€10.00 per tonne per day
3	Release of property or goods impounded	€250
4	Release of car /lorry / trailer clamp	€80.00
5	<p>Storage of Vessel on Pier</p> <p>(i) Storage of Vessels on Pier that are up to 5. metres in Length</p> <p>(ii) Storage of Vessels on Pier that are over 5 and up to 10metres in Length</p> <p>(iii) Storage of Vessels on Pier that are over 10metres in Length</p>	<p>€10.00 per week.</p> <p>€15.00 per week</p> <p>€20.00 per week</p>
6	<p>Non fishing Vessel Moored in Harbour Jurisdiction</p> <p>(i) Use of swing Moorings provided by Galway County Council</p> <p>(ii) Use of swinging moorings by Vessels up to 5.0metres in length</p> <p>(b) Use of swinging moorings by Vessels over 5.0metres in length.</p>	<p>€6.30 per day</p> <p>€200.00 per year</p> <p>€300.00 per year</p>

Charge Number	Description of Facility or Service	Rate or Charge
7	<p>Vessel generated waste</p> <p>Disposal of ship generated waste in Accordance with S.I. 117 of 2003</p> <p>(Harbour Charge on all Vessels who require Galway County Council to deposit waste within the Harbour Jurisdiction, as defined under S.I. 117 of 2003)</p> <p>(a) Waste up to 10 Kg</p> <p>(b) Waste over 10kg and up to 25kg</p> <p>(c) Waste over 25kg and up to 50Kg</p> <p>(d) Waste over 50Kg</p>	<p>€20 per Kg</p> <p>€40 per Kg</p> <p>€60 per Kg</p> <p>€100 per Kg</p>

13 Appendices

13.1 Appendix 1: Drawing No. 1 – The Harbour Jurisdiction

IN WITNESS whereof the parties hereto set their hands the day and year
first herein **WRITTEN**

SIGNED on behalf of
The Council by:-

Michael Maher

SIGNED by the

Said

In the presence of :-

[Signature]

Made and adopted under the Common Seal of the County Council of the County of Galway
this 24 day of October, 2011

Michael Maher.

Mayor/~~Nominated Employee~~ for the purpose
Of authenticating the seal.

PRESENT when the Common Seal of the
County Council of the County of Galway
Was affixed hereto:-