

**Comhairle Contae
Fhine Gall**
Fingal County
Council



LOUGHSHINNY HARBOUR BYE-LAWS 2024

**MADE BY RESOLUTION OF FINGAL COUNTY COUNCIL ON
16TH JANUARY 2024**

TITLE

Fingal County Council pursuant to the provisions of the Local Government Act 2001(as amended) and as extended by Section 89 of the Harbours Act 1996 hereby makes the following Byelaws in relation to the regulation of Loughshinny Harbour.

PURPOSE

Regulating the Admission of Vessels into the Harbour or the vicinity thereof and their removal therefrom, and providing for the good order and government of vessels while within the Harbour; for preventing and removing obstructions or impediments in or on docks, quays, works and roadways within the Harbour; and for enabling the Council to impose charges in like circumstances to those which may be imposed under the Harbours Act 1996 and, in particular, charges for keeping a vessel in the Harbour and charges for the use of the Harbour by visiting vessels.

CITATION

These Bye-Laws may be cited as **Loughshinny Harbour Bye-Laws 2024**.

COMMENCEMENT

These Bye-Laws shall come into effect on 1st March 2024.

REVOCATION

Rush and Loughshinny Bye-Laws 2010 are hereby revoked.

INTERPRETATION

In these Bye-laws, unless the context otherwise requires:

The Council Means Fingal County Council.

The Harbourmaster Means a person appointed by the Council to be the Harbourmaster of the harbours under its control or management and any other person authorised in writing by the Council to discharge the functions of harbourmaster.

Authorised Means a person, including the Harbourmaster, authorised in writing by

Person	the Council for the purposes of Section 204 of the Local Government Act 2001 to exercise the powers in that section, which powers relate to ensuring compliance with these byelaws.
The Harbour	Means the roadway, slipway, steps, piers and other harbour works connected thereto at Loughshinny which works are within the area outlined in red verge lines on the Ordnance Survey map annexed to these bye-laws.
Berth	Means any place or mooring at the pier at which a vessel might lie in waters at the Harbour.
Vessel	Means any description of floating craft and includes any ship, boat, canoe, jetski, and personal watercraft whether used in carriage of passengers or of goods, in fishing or in recreation.
Power driven vessel	Means a vessel propelled by machinery.
Length of a vessel	The length of a vessel shall be measured from the foremost part of the vessel or any protrusion thereon to an imaginary line perpendicular to the waterline drawn through the aftermost part of the vessel or any protrusion therefrom. The measurement is to be made parallel to the waterline.
Vehicle	Means any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles, trailers, caravans, and mobile homes, and includes items which are towed, such as a boat trailer, and items which can be detached from a vehicle, such as a skip or a container.
Goods	Means all articles and merchandise of every description, including fish, livestock, animals, fishing nets, fishing pots, fish boxes, cargo of every description, break bulk, bulk solids and liquid goods.
Vicinity	Vicinity of the Harbour means the rectangular area encompassing the pier and defined by an imaginary East-West line 28 metres due South of the end of the pier and an imaginary North-South 75 metres due West of the end of the pier shown in red verge lines on the Ordnance Survey map annexed hereto.

USE OF THE HARBOUR BY VESSELS

1. The use of the Harbour is restricted to vessels which are not more than 12 metres in length. Vessels of more than 12 metres in length may only berth at the Harbour when specifically licensed by the Council and then only subject to the conditions in the licence.

The owner, skipper or person in charge of a vessel which berths at the Harbour in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.

2. The owner, skipper or person in charge of any vessel other than vessels of any length licensed by the Council shall leave the vicinity of the Harbour or any specified berth at the Harbour, as the case may be, if and when directed to do so by the Harbourmaster for reason of congestion in the vicinity of Harbour or at any specified berth or to facilitate the working of the Harbour for other vessels. The owner, skipper or person in charge of a vessel which remains in the vicinity Harbour or at a specified berth at the Harbour, as the case may be, in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.

3. The owner, skipper or person in charge of a vessel shall not cause or permit the engine of a vessel to be worked in such a manner as to cause a wash or wake in the water which might cause injury or damage to any person, other vessel or property in the vicinity of the Harbour, including such damage by undermining the face of the Harbour walls.

The owner, skipper or person in charge of a vessel who causes or permits the engines of a vessel to be worked in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500. Before instituting a prosecution for breach of this byelaw, the Harbourmaster shall serve a fixed payment notice in the amount of €75 on the alleged offender and the provisions of section 206 of the Local Government Act 2001 shall apply to such fixed payment notice and subsequent prosecution, if any.

4. A power driven vessel shall not proceed or navigate in the vicinity of the Harbour at a speed in excess of 4 knots (approximately 7.4 kilometers per hour).

The owner, skipper or person in charge of a vessel who causes or permits a vessel to proceed or navigate in the vicinity of Harbour at a speed in excess of 4

knots and the helmsman or other person conducting such vessel in breach of this byelaw shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

Before instituting a prosecution for breach of this byelaw, the Harbourmaster shall serve a fixed payment notice in the amount of €75 on the alleged offender and the provisions of section 206 of the Local Government Act 2001 shall apply to such fixed payment notice and subsequent prosecution, if any.

5. No vessel is permitted to lay fishing pots or nets, or to block the fairway in the vicinity of the Harbour, or to anchor, without the permission of the Harbourmaster, in the vicinity of the Harbour. The owner, skipper or person in charge of a vessel which lays fishing pots or nets, or blocks the fairway in the vicinity of the Harbour in breach of this byelaw, or anchors in the vicinity of the Harbour in breach of this byelaw, shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500. If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
6. No vessel of any length shall be kept at the Harbour or in its vicinity unless expressly licensed by the Council by a licence in writing and then only when in compliance with the terms and conditions of such licence, and the payment in advance for the term of the licence of the harbour charges for keeping the vessel at the Harbour or in its vicinity which the Council is hereby enabled to impose by virtue of the provisions of Section 89 paragraph (3) (a) (ii) of the Harbours Act 1996. The owner of a vessel which is kept at the Harbour or in its vicinity in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500. If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
7. Visiting vessels are only permitted to remain at the Harbour or in the vicinity of the Harbour, with the express permission of the Harbourmaster and must leave the Harbour and its vicinity when directed to do so by the Harbourmaster for reason of congestion at the Harbour or to facilitate the use of the Harbour by other vessels. The owner, skipper or person in charge of a vessel which remains at the Harbour or in the vicinity of the Harbour in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500. If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
8. The Council is hereby enabled by this byelaw and the provisions of Section 89 paragraph (3) (a) (ii) of the Harbours Act 1996 to impose harbour charges on the owner, skipper or person in charge of a visiting vessel for the use of the Harbour. Such charges as the Council shall fix from time to time shall be displayed in the Harbour

and may be recovered as a simple contract debt from the owner, skipper or person in charge of the vessel at the time of the visit.

9. USE OF THE HARBOUR ROADWAY OR PIERS FOR PLACING OR KEEPING GOODS.

No goods may be placed or kept at any time on the roadway or piers of the Harbour without the permission of the Harbourmaster and the owner or person who has custody of such goods so placed or kept, with or without the permission of the Harbourmaster, must remove them when directed to do so by the Harbourmaster.

The owner and the person who has custody of such goods and who fails to remove them when one or both of them are directed by the Harbourmaster to do so shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500. If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.

10. PROHIBITION OF BRINGING VEHICLES ON TO THE ROADWAY OR PIERS.

With the exception of Fire Brigade vehicles, ambulances, Garda vehicles and Coastguard vehicles, no vehicle may be brought on to the roadway or piers of the Harbour without the express permission of the Harbourmaster.

The owner and the driver or other person who has custody of such vehicle which has been brought on to the roadway or piers of the Harbour in breach of this byelaw shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.

11. PROHIBITION OF PLACING VESSELS, VESSEL'S APPAREL, BOAT CRADLES OR TRAILERS ON THE ROADWAY, SLIPWAY, CAMPSHORES OR HORIZONTAL SURFACE OF THE PIERS.

No vessel, vessel's apparel or boat cradle shall be kept on the roadway, slipway, campshores or horizontal surfaces of the piers of the Harbour without the express permission of the Harbourmaster; this Bye-Law shall not apply to launching trollies or boat trailers whilst the owner thereof is using his craft afloat on the water.

The owner and any other person who has custody of such vessel, vessel's apparel, boat cradle or trailer which has been placed on the roadway, slipway, campshores or horizontal surface of a pier in the Harbour in breach of this byelaw shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.

