

Comhairle Contae Fhine Gall
Fingal County Council

Fingal County Council Beach/Foreshore
Bye-Laws 2006

**BYE-LAWS GOVERNING
BEACH & FORESHORE
IN THE COUNTY OF FINGAL**

AT

**BLACKROCK (BALBRIGGAN), BALBRIGGAN,
BARNAGEERA, SKERRIES NORTH, SKERRIES
SOUTH, LOUGHSHINNY, RUSH NORTH, RUSH
SOUTH, PORTRANE, TOWER BAY, DONABATE,
MALAHIDE, PORTMARNOCK, SUTTON (BURROW
BEACH) AND HOWTH (CLAREMONT)**

**These Bye-Laws were adopted by Fingal County Council at the Council meeting
on 13th February 2006 and came into force on the 15th March 2006.**

BYE LAWS

MADE BY

Fingal County Council in exercise of the power conferred on the Council by Part VII of the Local Government Act, 1994 and in the interest of the common good of the local community make the following Bye-Laws for the purpose of regulating the use of the beach/foreshore adjoining the functional area of the County of Fingal. The ByeLaws will allow for the enforcement of relevant sections of the following legislation:

- The Misuse of Drugs Act, 1977
- The Litter Pollution Act, 1997
- The Waste Management Act, 1996
- The Maritime Safety Act, 2005
- Control of Dogs Act, 1986 and the 1992 Control of Dogs (Amendment) Act and the Statutory Instruments S.I. No 442 of 1998 Control of Dogs Regulations
- Fingal County Council Prohibition of Consumption of Intoxicating Liquor on Roads and in Public Places Bye-Laws 2002

1. TITLE

These Bye-Laws may be cited as the Fingal County Council Beach & Foreshore Bye-Laws 2006. These Bye-Laws supersede Fingal County Council Beach Bye-Laws 1999.

2. INTERPRETATION

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:

- (a) “The Local Authority” means the Council of the County of Fingal.
- (b) “The Act” means the Local Government Act, 1994.
- (c) “Council” means the Council of County of Fingal
- (d) ” The Foreshore” is defined for the purpose of these Bye-Laws as the seabed and shore below the line of high water of ordinary or medium tides of the sea (shown HWM on OS Map), and extending for a distance of 200 metres seaward from the low water mark or 400 metres seaward of the HWM mark whichever is the lesser, and every tidal river and tidal estuary and every channel, creek and bed of the sea or any such river or estuary and shall include any and all properties of the Council as defined in (e) below.

- (e) “Beach” refers to that area of the seashore and the foreshore as shown shaded in yellow on the attached maps for the beaches of Blackrock (Balbriggan), Balbriggan, Barnageera, Skerries North, Skerries South, Loughshinny, Rush North, Rush South, Portrane, Tower Bay, Donabate, Malahide, Portmarnock, Sutton (Burrow Road) and Howth (Claremont). The words “seashore” and “foreshore” have the same meanings as defined in the Foreshore Act, 1933. For the purpose of the bye-laws a beach shall include:-
- (i) any strand, and/or dunes;
 - (ii) any sea for a distance from the strand to 200 metres (seaward) from the low water mark;
 - (iii) any walls, railings, barriers, fence, roadway, seats, footpath, ramps alleyways, access, walkways, step, sewer, drain or gully thereon;
 - (iv) any post, sign, notice, sign board, life saving apparatus or equipment, toilet, litter receptacle, lamp, lamp post, appliance, flag pole, flag, water pipe, gas pipe, hut, shelter, ornament, building or other structure forming part thereof or erected by the Council or by the authority of the Council either on the beach or for the benefit of users on the beach;
 - (v) Any tree, shrub, bush hedge, flower, flower bed, turf, grass or other plant growing thereon or place thereon by the authority of the Council;
 - (vi) Any implement, barrow, article, tractor, trailer or thing thereon belonging to the Council or placed thereon by the authority of the Council.
- (f) “Special Areas of Conservation” (SAC’s) are prime wildlife conservation sites designated under the EU Habitat’s Directive (1992/43/EEC) for the conservation and protection of habitats and species of importance in a European context.
- (g) “Special Protected Areas” (SPA’s) are designated under the EU Birds Directive (79/409/EEC) to protect migratory species such as ducks, geese and waders and species which are rare, in danger of extinction or which are vulnerable to habitat change in Europe.
- (h) “Employee of the Council” shall include every Superintendent, Supervising Official, Litter Warden, Dog Warden, Lifeguard or other person employed by and duly authorised by the Council to administer and enforce these bye-laws.
- (i) “Authorised Person” means any employee of the Council, members of the Garda Síochána or any person designated by the Council for the purposes of these bye-laws.

- (j) “Controlled drug” means any substance, product or preparation which is specified in the schedule to the Misuse of Drugs Act, 1977 or any amending act or regulations.
- (k) Horse includes pony, donkey, mule and ass.
- (l) “Quad” means a four-wheeled mechanically propelled vehicle capable of travelling at high speeds.
- (m) “Land Yachting” means a wind operated craft which requires a small land yacht and vertical wing sail.
- (n) “Kite Karting” means a wind operated craft requiring a small cart and single handed or two handed kite.
- (o) “Kite Surfing” means a wind operated craft and single handed or two handed kite.
- (p) “Consent of the Council” means the permission in writing of an authorised person.
- (q) “Swimming” includes floating, paddling, fishing or otherwise being in the sea for leisure purposes.
- (r) “Designated Area” means an area designated pursuant to Bye-Law No. 3 (1).
- (s) “Duchas” means the National Parks & Wildlife Services of the Department of the Environment, Heritage and Local Government.

3. PROHIBITED ACTS

No person shall carry out any of the following acts on the beach:-

(a) **NUISANCE**

Cause a nuisance or do any of the following acts that would be likely to cause a nuisance:

Litter: Bring, deposit or discharge soil, filth, refuse, rubbish, stones, earth, or throw deposits or leave any item of litter as defined in the Litter Pollution Act, 1997 or dump/abandon/vandalise vehicles on the beach, foreshore or estuary area.

Motor Vehicles: Drive, propel or park any motor car, or other mechanically propelled vehicle (including quads) or motor cycle on the beach, dunes or salt-marshes (other than in an area designated for these purposes) save with the permission in writing of the Council and subject to the terms and conditions of such permission. Drive in a threatening manner as to cause annoyance/ disturbance or to show disregard to other users of the beach, dunes or salt-marshes.

This restriction does not apply to Local Authority staff engaged in their duties, Garda patrol cars/motorcycles when being used by a member of An Garda Síochána while on duty or emergency service vehicles.

Firearms: Bring onto the beach/foreshore any firearm, airgun, catapult or any other weapon.

Fires: The lighting of bonfires and burning of materials on the beach or foreshore is prohibited.

Golf: Play the game of golf or practise any aspect of the game in any part of the beach/foreshore.

Disorder: Act in a disorderly, menacing, threatening, or offensive manner.

Beg, gamble: Beg, gamble or importune or otherwise cause annoyance:

Noise: Play musical instruments, radio, stereos, etc., at such noise level as to cause annoyance to others.

**Obscene Behaviour/
Language:** Behave indecently or use obscene or profane language.

Graffiti: Injure, disfigure, write graffiti on or mark any structure, seat, chair, sculpture, notice or notice board.

Games: Play football, handball, golf, hurling, cricket, tennis or any other game or activity which for the prevention of damage, danger, obstruction, or discomfort to any other person may necessitate at any time during the continuance of the game the exclusive use by the player or players of any part of the seashores save with the consent of the Council.

Public Swimming Events: Organise swimming events including, triathlons or gala swimming days without the written consent of the Council.

Alcoholic Beverages: Sell or consume any alcoholic beverages on the beach/foreshore as defined in the Fingal County Council Prohibition of Consumption of Intoxicating Liquor on Roads and in Public Places Bye-Laws 2002 .

(b) **DOGS**

During the period 1st June to 31st August in any year persons shall be allowed bring a dog onto, or allow a dog under his or her control to remain on the beach/foreshore

- (i) under adequate personal control, before the hours of 11.00am and after the hours of 6.00pm
- (ii) to be on a leash in all Reserved Bathing Areas (as defined in Schedule 2) between the hours of 11.00am and 6.00pm.

Persons are permitted to bring dogs on a beach/foreshore all other days any time of the day during the months of:
January, February, March, April, May, September, October, November, & December.

Persons in charge of a dog on the beach/foreshore shall ensure the following:-

- It is on a leash or under adequate control;
- It is on leash at all times in SAC and SPA's – see Schedule 1;
- It is not causing annoyance to any person using the beach or worrying, chasing, injuring or disturbing any animals, birds or other creatures on the beach/foreshore;
- Removal of its faeces and depositing it in a litter bin or other receptacle which may be designated for this purpose as obligated under Section 22 of the Litter Pollution Act 1997.

(Guide dogs for the blind are exempt from this bye-law as also are dogs kept by An Garda Síochána and wholly used by a member of An Garda Síochána in the execution of his/her duty).

Every person bringing a dog onto the beach/foreshore area shall be responsible and liable for any damage or injury to property or persons which may be caused by it.

Persons in charge of specified classes of dogs must ensure that they comply with the 1986 Control of Dogs Act and the 1992 Control of Dogs (Amendment) Act and the Statutory Instruments S.I. No 442 of 1998 Control of Dogs Regulations

(c) **HORSES**

A Person/s shall be allowed to have, keep, ride or drive a horse/pony on a beach/foreshore during the period 1st of June to 31st August in any year before the hours of 11.00am and after the hours of 8.00pm.

Persons are permitted to bring horses on a beach/foreshore all other days any time of the day during the months of :

January, February, March, April, May, September, October, November, & December, Except on Saturdays, Sundays and Public Holidays – between the hours of 11.00am and 8.00pm. (See Schedule 1 Attached)

Persons in charge of a horse/pony on a beach/foreshore shall ensure the following:-

- It is under adequate control;
- It is not causing annoyance to any person using the beach/foreshore or worrying, chasing, injuring or disturbing any animals, birds or other creatures on the beach;
- Removal of its faeces and depositing it in a litter bin or other receptacle which may be designated for this purpose.
- Horse-riding takes place below mean high water mark, except for the purposes of obtaining access to or egress from the beach/foreshore.
- Horses are prohibited in SAC and SPA's except where bridle paths are provided.
- Horse Polo Practice is not permitted without the consent of the Council.

(This bye-law does not apply to horses kept by An Garda Síochána and wholly used by an employee or member of An Garda Síochána while on duty).

A person shall not have, keep, ride or drive a horse/pony on a beach/foreshore at any time if having regard to the number of persons using the beach/foreshore at that time, it could endanger or be construed to endanger the safety of those persons.

Every person bringing a horse or pony onto the beach/foreshore area shall be responsible and liable for any damage or injury to property or persons which may be caused by it.

(d) **TRADE, ADVERTISING, ETC.:**

Sell: No Person shall sell, hire, expose, offer for sale any vehicle, boat conveyance, chair, article, animal, commodity or thing whatsoever, save with the written permission of an authorised officer and in accordance with the Casual Trading Act, 1995 and any bye laws made thereunder.

Exhibit: No Person shall exhibit any advertising board, placard, wares, merchandise or play any musical instrument or sing for gain on the beach/foreshore, save with the permission of an authorised officer and in accordance with the Casual Trading Act, 1995 and any bye laws made thereunder.

(e) **DUNES**

No person shall wilfully cause damage to the dune system on any beach or foreshore and should take due care when walking/sitting in the dune areas.

(f) **OBSTRUCTION, ETC.**

No person shall wilfully cause danger, obstruction or annoyance to persons using the beach/foreshore or wilfully obstruct any officer of the Council in the execution of his duty or in the proper execution of any work in connection with the enforcement of these bye-laws.

(g) **ALCOHOLIC BEVERAGES**

Drinking on beaches/foreshore and estuaries is prohibited under Fingal County Council's Prohibition of Consumption of Intoxicating Liquor on Roads and in Public Places Bye-Laws 2002.

(h) **CONTROLLED DRUGS**

No person shall sell, consume, inject, inhale or otherwise absorb controlled drugs or solvents on the beach/foreshore.

(i) **CARAVANS, ETC.**

No person shall sleep on the beach/foreshore or sleep in vehicles, (between the hours 10.00pm-6.00 am), nor shall they place or keep any caravan, dormobile or tent on any part of the beach/foreshore at any hour without the permission in writing of the Council and subject to the terms and conditions of such permission.

(j) **FILMING**

No person shall make any movie or film on a commercial/ basis on a beach/foreshore except with the consent of the Council and subject to the terms and conditions of such consent.

(k) **SPORTS TRAINING**

No person shall engage in sports training (including football training) on any part of the beach/foreshore, and in particular shall refrain from using for such training any portion of the beach/ foreshore which comprises sand dunes, save with the consent of the Council.

(l) **FISHING**

Fishing for pleasure shall be permitted, however no person shall spread, fix or leave any nets, bait, lines, boxes, fishing gear, fish or shells. The Council may designate areas of the beach/ foreshore and periods of time with respect to the beach/ foreshore where and during which fishing will be prohibited. No person shall fish in an area, or during a period, so designated.

No fishing shall be allowed in SAC/SPA areas – see Schedule 2.

(m) **SURFING, SAILING, JET SKIS, FAST POWER BOATS, ETC.**

The Council may designate areas of the beach/ foreshore and periods of time outside of the reserved bathing areas (see Schedule 2), where persons shall be allowed to surf, windsurf, kite-surf, sail, canoe and kayak. The following beaches may be used for the above activities - Portmarnock, Donabate, Portrane, Rush (N & S), Skerries (S), Balbriggan and Loughshinny beaches. Claremont, Howth and Burrow Road, Sutton may only be used for canoeing and kayaking

The Council may also designate beach/beaches, outside of the reserved bathing areas (see Schedule 2), and periods of time, outside of the bathing season, which are suitable, for kite-karting.

These bye-laws do not apply to any of the aforesaid activities engaged in more than 200 metres off shore from the nearest point of the waters edge at any particular time.

Every person surfing, windsurfing, kite-surfing, kite-karting or land-yachting on the beach/ foreshore area shall be responsible and liable for any damage or injury to property or persons which may be caused by it.

No person shall bring a jet-ski or fast power boat into the Reserved Bathing Areas or SAC/SPA (See Schedule 2).

(It should be noted that under the Maritime Safety Act, 2005 Fingal County Council has the powers to make bye-laws in relation to Jet Skis & Fast Power Boats and to prosecute anyone found in breach of the Maritime Safety Act, 2005.)

4. OFFENCES

- a) It shall be lawful for any Authorised Person or member of the Garda Síochána to enforce these bye-laws, and to exclude or remove from any part of the beach/foreshore or adjacent dune system in public ownership, any person committing any breach of the above bye-laws and to take such other steps as authorised by law.

- b) Any person who contravenes these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,250.
- c) If the contravention of a provision of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €125 per day.
- d) A person who obstructs or impedes or refuses to comply with the request of an Authorised Person acting in the exercise of the functions conferred on an Authorised Person by these bye-laws shall be guilty of an offence.
- e) Where an Authorised Person or member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the authorised person or the Garda, as the case may be, may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.
- f) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, the members may arrest the person without a warrant.
- g) An offence under these bye-laws may be prosecuted by the Council, by any other Local Authority acting on its behalf or by a member of the Garda Síochána.
- h) A person may be served with a notice specifying a fixed payment, not exceeding €125 in respect of a contravention of a bye-law as an alternative to prosecution for the contravention. Notice of the fixed payment shall be in the general form of the notice set out in the Schedule to the bye-laws. (See Schedule 2 attached).
- i) Nothing herein contained shall be construed to prevent fishermen or boatmen or those engaged in aquaculture exercising their respective callings subject to such statutory or other lawful regulations as now are in place.
- j) Nothing herein contained shall be construed to prevent the lawful operation by authorised port and harbour authorities of their statutory functions.
- k) Nothing in or done under any of the provisions of the foregoing bye-laws shall, or shall be deemed to operate as a grant by or on behalf of the state of any estate or interest in or right over the foreshore below high water mark or any part thereof nor shall anything contained in or done under any of the provisions of the foregoing bye-laws prejudice or injuriously affect the rights and interests of the State in such foreshores.

These Bye-Laws come into effect on 15th March 2006.

SCHEDULE 1

1.1 DESCRIPTION OF CIRCUMSTANCES FOR KEEPING, RIDING OR DRIVING A HORSE ON THE FORESHORE.

The horse must be and continue to be under proper control and be effectively restrained from causing annoyance or danger to any person.

Horses are permitted on a beach only during the months, days and times (periods of the day) stipulated below:-

In June, July and August only
Before 11.00am and after 8.00pm.

All other days any time of the day during the months of:
January, February, March, April, May, September, October, November, December,
Except on Saturdays, Sundays and Public Holidays – between the hours 11.00am to 8.00pm

1.2 DESCRIPTION OF CIRCUMSTANCES FOR KEEPING, OR RETAINING A DOG ON THE FORESHORE.

The dog/s must be and continue to be under proper control and be effectively restrained from causing annoyance or danger to any person.

The dog/s are permitted on the beach/foreshore only **without a leash** during the months, days and times (periods of the day) stipulated below:

June, July, August 6.00pm to 11.00am
(i.e. after 6.00pm in the evening and before 1.00am in the morning)

Between 11.00am and 6.00pm during these months dogs must be on a leash in Reserved Bathing Areas.

All other days any time of the day during the months of :
January, February, March, April, May, September, October, November, & December.

SCHEDULE 2

2.1 RESERVED BATHING AREAS

(Reserved Bathing Areas on the following beaches refers to 200m to left & right of Lifeguard Station)

RESERVED BATHING AREAS
Howth – Claremont
Sutton - Burrow Road
Portmarnock – 1 & 2
Donabate – Balcarrick
Portrane – Tower Bay
Portrane – The Brook
Rush – North & South
Skerries - South
Loughshinny
Balbriggan

2.2 SPECIAL PROTECTION AREA (SPA) & SPECIAL AREA of CONSERVATION (SAC)

SPA's / SAC's
Baldoyle Bay
Howth Head
Malahide Estuary
Rogerstown Estuary
Ireland's Eye
Lambay Island
Rockabill Island
Skerries Islands

2.3 NOTICE SPECIFYING A FIXED PAYMENT (ON-THE-SPOT FINE) SHALL SPECIFY AS BELOW:-

- a) The amount of the fixed payment;
- b) The period in which it must be paid – 21days;
- c) The name and address of alleged offender;
- d) In general terms the nature of the contravention alleged to have been committed;
- e) The date in place of the alleged contravention;
- f) The alleged offender is entitled to disregard the notice and defend a prosecution of the alleged contravention in court;
- g) Authorised Person

FINGAL COUNTY COUNCIL

FORESHORE BYE-LAWS

MADE UNDER

PART VII OF THE LOCAL GOVERNMENT ACT, 1994

PRESENT when the Common Seal of THE FINGAL COUNTY COUNCIL was affixed hereto:

Cathaoirleach/Nominated Member
Comhairle Contae Fhine Gall

SEAL

County Manager/Director of Services

Dated: _____