

COMHAIRLE CONTAE AN CHLÁIR

CLARE COUNTY COUNCIL

Local Government Act, 2001

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

Maritime Safety Act, 2005

Harbours Act, 1996

Sea Pollution Act, 1991

Litter Pollution Act, 1997

Road Traffic Act, 1961



DOOLIN HARBOUR BYE-LAWS 2016

COMHAIRLE CONTAE AN CHLÁR

CLARE COUNTY COUNCIL

Bye-Laws for the Regulation of Doolin Harbour , Co. Clare.

1. Authorisation and commencement.

1.1 The Council of the County of Clare, being the Local Authority whose administrative area includes Doolin in the County of Clare and has under its control Doolin Harbour, in exercise of the powers conferred on it by Part 19 of the Local Government Act, 2001 as amended, as applied by Section 89 of the Harbours Act, 1996, and by virtue of Sections 13 and the sixth schedule of the said Harbours Act, and under Section 6 (1) of the Maritime Safety Act 2005, hereby make the following Bye-Laws .

1.2 These Bye-Laws may be cited as the County of Clare Doolin Harbour Bye-Laws 2016 & revoke the Doolin Harbour Bye Laws 2005 and shall apply to “the Harbour” as defined in Bye-Law 2 hereof.

1.3 These Bye-Laws shall come into operation on the 9th day of June 2016.

2. Definitions

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

“the 1961 Act” means the Road Traffic Act, 1961 as amended;

“the 1977 Act” means the Local Government (Water Pollution) Act, 1977, as amended by the Local Government (Water Pollution) (Amendment) Act, 1990;

“the 2005 Act” means the Safety, Health and Welfare at Work Act, 2005;

“the 1996 Act” means the Harbours Act, 1996;

“the 1997 Act” means the Litter Pollution Act, 1997;

“the 2001 Act” means the Local Government Act, 2001;

“the Local Government Regulations” mean the Local Government Act, 2001(Bye-Laws) Regulations, 2006.

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

“the 1993 Regulations” mean the Safety, Health and Welfare at Work (General Application) Regulations, 1993;

“the Council” means the County Council of the County of Clare

“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;

“berthed” when used in relation to a vessel means secured to a pier, wall, bank, pontoon, stage or dolphin, or to any other vessel so secured;

“the Harbour” means the coastal waters at Doolin inclusive of both Piers (Old & New) and Slipway delineated in red on the map thereof annexed hereto that is sealed with the Seal of the Council ;

“fairway” means any navigable channel within the Harbour;

“Harbour Controller ” means the person appointed in writing by Clare County Council, or any other Authorised Person, to enforce these Bye-Laws pursuant to Sect. 40(10) of the 1994 Act

“Authorised Person” means a person for the time being authorised in writing by the Council to act on behalf of the Harbour Controller pursuant to Section 40(10) of the 1994 Act;

“Vessel” means one or more waterborne crafts of any type whatsoever whether self-propelled or not and any other thing constructed or adapted for floating on, manoeuvring on or being submersed in water;

“moored” when used in relation to any vessel, means any vessel –

- (a) made fast (either ahead or astern or both) to a mooring chain or mooring buoy that is assigned by the Harbour Controller for that purpose; or
- (b) made fast against any other vessel so made fast; or
- (c) made fast both ahead and astern by anchor in a position that has been approved by the Harbour Controller;

“mooring” includes anchoring;

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

“Master” in relation to a Vessel, means the person, whether the owner or not, having command, management or charge of the Vessel for the time being, but does not include a pilot;

“Goods” include fish, fish boxes, livestock, animals, minerals, wares, chattels, ballast, sand gravel and dredging materials in addition to merchandise of every description;

“Vehicle” includes any “mechanically propelled vehicle” as defined in accordance with the terms of the 1961 Act in addition to any towed item such as a boat trailer;

“Passenger Boat/Passenger Vessel” means a Vessel, engaged either exclusively or otherwise for commercial gain in the conveyance of passengers by sea, whose owner is both licensed by the Department of Transport Tourism & Sport and holds a valid Permit issued by the Council to carry such passengers to or from “the New Pier”;

“Exempted Vessel” means a Vessel that is not a Passenger Boat/Passenger Vessel and, as such, is not engaged for commercial gain in the conveyance of passengers by sea;

“Passenger Boat/Passenger Vessel Operator” means the individual, individuals or company responsible for a Passenger Boat/Passenger Vessel , including the Owner;

“Permit” means the document issued by the Council to the Passenger Boat/Passenger Vessel Operator that prescribes the conditions under which a Passenger Boat/Passenger Vessel must operate within the Harbour and the said Permit shall be in the form set out in the Third Schedule hereto;

“Permit Holder” means the individual, individuals or company authorised by the Permit;

“Harbour Charges” shall mean the moneys chargeable by the Council in respect of the usage of the harbour or piers & may include fees such as fees per vessel, berthage fees, permit fees etc. It shall also mean any costs & expenses incurred by the Harbour Controller in carrying out their duties under these bye-laws where the owner or master refuses to do so. Such fees to be decided upon by the Council from time to time & to be charged to such users as applicable, pursuant to Section 2 of the Local Government (Financial Provisions) No. 2 Act 1983 & pursuant to Section 89 (3) (a) (i) & (ii) of the Harbours Act 1996.

“Operating Agreement” means the agreement containing the conditions subject to which the Permit Holder is authorised by the Permit and the said Operating Agreement shall be in the form set out in the Fourth Schedule hereto;

“Owner”-

- (a) 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;
- (b) when used in relation to Goods, as defined, includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of such goods and also includes any other person in charge of the goods and their agent in relation thereto; and
- (c) when used in relation to a vehicle or item of plant includes any part owner, agent or other person having charge of the vehicle for the time being;

“Length” where used in relation to a Vessel as described herein means the registered length or where a vessel is not registered the overall length measured from bow to stern;

“the Pier” where used refers to mean both piers unless otherwise stated vis a vis “New Pier” (most westerly of the two piers) & the “Old Pier”. The Pier means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any roadway or footway immediately adjacent and affording access thereto;

“Passengers” mean any person carried on board a vessel who is not crew.

“the Islands” means the Aran Islands, County Galway located off the West Coast of the County of Clare;

“the Waiting Area” means the area to be agreed between the Passenger Boat/Passenger Vessel Operator and the Council before a Permit is issued. The Council will delineate this area, within which the Operator must subsequently ensure that all contracted passengers queuing for their Passenger Boat/Passenger Vessel do so in an orderly and safe manner prior to departure;

“deleterious substance” includes all polluting matter, sewage effluent and other trade effluents as defined in the 1977 Act and also includes bilge water.

“Car Park” means off street parking areas specifically delineated for particular sizes of vehicles including motor cars, motor bikes, commercial vehicles, for parking within designated lines (where provided). This excludes unlicensed trading by commercial or domestic vehicles.

In these bye-laws the masculine includes the feminine and neuter genders, and words in the singular include the plural.

3. Movement of Vessels in the Harbour

- 3.1 No vessel shall carry passengers within the jurisdiction of Doolin Harbour for commercial gain unless its owner holds either a Passenger Vessel Safety Certificate or a Passenger Boat Licence issued under the Merchant Shipping Act of 1992 as amended in addition to the Permit in accordance with which terms and conditions the Permit Holder shall comply. Notice of 14 days must be given to the Council prior to any application for a Permit.
- 3.2 Without prejudice to the provisions of the Permit or the Operating Agreement, the Permit may be revoked or suspended by the Council, or the Council may take such action as is deemed necessary, where it is considered necessary in the interests of safety or for the good management or operation of the Harbour or where the Permit Holder or their servants or agents are in breach of or fail to comply with the terms of the Operating Agreement or where the Permit Holder or their servants or agents commit an offence under, or a breach of, these Bye-Laws.
- 3.3 Vessels within the Harbour shall at all times and in all respects be subject to the control of the Harbour Controller whose directions shall be obeyed by the Master of any such Vessel.
- 3.4 A direction from or requirement by the Harbour Controller to the Master of a Vessel shall not either extend or diminish any responsibility for exercising due care and attention in relation to their Vessel or its cargo or release him from compliance with International Regulations.
- 3.5 The Master of a Vessel approaching, entering, leaving or moving within the Harbour shall ensure that such Vessel is navigated in a proper and seamanlike manner so as not to endanger the lives of or cause injury to persons or damage to property and not to obstruct or prejudice the navigation, manoeuvring, loading or discharge of vessels or cause unnecessary damage to the Pier or other property. At all times, such vessel shall be both subject to the Collision Regulations and navigated at a speed that is not in excess of six knots.
- 3.6 The Master or Owner of a Vessel shall not negligently or wilfully permit the Vessel to run foul of the Pier, or any of the buoys, works, plant, fixture or other Vessels or property in the Harbour.
- 3.7 No person other than the Harbour Controller shall (by hailing, calling, or communicating otherwise from the Pier or any other part of the Harbour) attempt to regulate, control or alter the movement of any Vessel within the Harbour.
- 3.8 The Harbour Master may decide to direct the Master of a Vessel to moor, unmoor, or move such Vessel and in the event that either:
 - (a) such a direction is not obeyed;
 - (b) there is no person on board; or
 - (c) the Master cannot be found after reasonable enquiry;

the Harbour Controller may arrange for the mooring, unmooring 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. This Bye-Law shall also apply in any instance where the Harbour Controller deems that a moored vessel is blocking or obstructing the proposed mooring of another vessel.

- 3.9 The Master of a vessel irrespective of its size, other than a vessel that is directed by the Harbour Controller 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.
- 3.10 A Master or any other person shall not navigate a vessel in the Harbour whilst under the influence of any alcoholic substance or any other such intoxicating substance to such an extent as to be incapable of taking proper control of the vessel.
- 3.11 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; 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 “near miss”, 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 Controller, and as soon as practicable thereafter, provide them with full details in writing and, where the damage 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 moor or anchor it in safety, other than with the permission of and in accordance with the directions of the Harbour Controller.

4. Vessels At Rest In The Harbour

- 4.1 A Vessel shall not be moored within the Harbour other than at a place designated by the Harbour Controller. Mooring of any Vessel within the Harbour shall be undertaken with due care so as to avoid danger to itself and obstruction to other Vessels including the Doolin Rescue Service. A proper anchor watch shall be kept where such is appropriate to both weather conditions and the size of the Vessel. Any breach of this bye law will be deemed an offence in accordance with these Bye Laws
- 4.2 Passenger Boat/Passenger Vessels are to use the New Pier only unless otherwise permitted by the Harbour Controller. Any breach of this bye law will be deemed an offence in accordance with these Bye Laws
- 4.3 Leisure & Fishing Vessels are to use the Old Pier only unless otherwise permitted by the Harbour Controller. Any breach of this bye law will be deemed an offence in accordance with these Bye Laws

- 4.4 Doolin Rescue Lifeboat is to access the water via the Slipway
- 4.5 Every Vessel lying at the Pier shall be berthed so as to lie broadside to the Pier but, if no such berth is immediately available, a Master must await, in a location directed by the Harbour Controller, such a berth.
- 4.6 The Harbour Controller may, for safety or operational reasons at any particular time, give preference of berth to one Vessel over another.
- 4.7 No transfer of fuel or bunkers shall take place without the prior approval of the Harbour Controller, who may designate where, when and within which time periods such transfer may take place. Furthermore, no transfer of fuel or bunkers shall take place whilst passengers are either embarking on or disembarking from a Passenger Boat/Passenger Vessel and, before any such transfer of fuel or bunkers takes place, the Council and its servants or agents must be fully indemnified in respect of any claims that may arise from such operations.
- 4.8 Masters shall be fully responsible for the safe berthing of their Vessels.
- 4.9 Vessels moored in the Harbour shall display suitable lights in accordance with International Regulations or if required to do so by the Harbour Controller .
- 4.10 Masters or Owners of Vessels shall at all times ensure that any such 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 Controller.
- 4.11 Vessels may be fastened in the Harbour, but only to any of the bollards, mooring rings or mooring buoys that are specifically provided for that purpose. Mooring lines used by vessels in the Harbour shall be of adequate strength and, furthermore, appropriate test certificates shall be readily available to the Harbour Controller for inspection in respect of any such line.
- 4.12 Under no circumstances whatsoever shall any Vessel be fastened by means of a mooring line or otherwise to any of the ladders forming part of the Pier. In like manner, no Vessel shall be fastened to or lie against any buoy, beacon or mark used for navigation purposes.
- 4.13 A rope, chain or similar impediment shall not, except temporarily in case of emergency, be laid or run from a Vessel in the Harbour in such manner as to cause an obstruction to the normal use of any steps, stairs or ladders leading from the Pier to the water.
- 4.14 No person shall unloose any vessel that may be made fast or moored in any part of the Harbour without the consent of the Harbour Controller. When a Vessel has been lawfully moored in the Harbour no person other than the Owner, Master or a person authorised by the owner or Master or an Authorised Person shall move, remove or alter the position of the Vessel or attempt to do so. Subject to the Harbour Controller permitting this practice, the Master of a Vessel departing from inside another Vessel or Vessels shall ensure that any such Vessel is properly re-secured upon departure.
- 4.15 The Master of a Vessel, which has sunk or become stranded in the Harbour, shall immediately give notice of this occurrence to the Harbour Controller and shall carry out forthwith the instructions of the Harbour Controller as to the lighting and buoying of the Vessel. Such Master shall be responsible for the safety of the Vessel in question; whilst the Harbour Controller shall at all times have a right of inspection of

the Vessel. Any Vessel so sunk or stranded shall be removed by the Master as soon as possible and in any event within fourteen days of the day on which the Vessel sank or became stranded or within such greater or lesser period as the Harbour Controller may by notice in writing permit or require. If the Master fails to obey such instructions without delay the Harbour Controller may arrange for the lighting, buoys and/or removal of the Vessel. The Council may recover all such costs incurred as a simple contract debt from the Master. Any such action taken by the Harbour Controller shall not affect the consequences of any contravention by the Master of this Bye-Law.

- 4.16 The Master of a Vessel, berthed alongside a pier, shall provide a sufficient and proper gangway or stage for the access and egress of all persons having lawful business on the vessel. They 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 .
- 4.17 The Master of a Vessel upon anchoring in the Harbour shall cause a buoy to be fastened forthwith to each anchor so that the position of each anchor may be readily identified.
- 4.18 A Master shall not leave any anchor in the Harbour that may have dropped or slipped inadvertently from their Vessel without placing a buoy to mark its position and such anchor shall be removed without delay.
- 4.19 Upon being so required by the Harbour Controller, the Owner of a raft, anchor, buoy or other floating object in the water of the Harbour shall ensure it is removed immediately to a suitable location or wherever the Harbour Controller may direct, subject to the terms of the Dumping at Sea Act, 1996 and applicable Environmental Legislation.
- 4.20 In respect of any article or thing they deem to be an obstruction or nuisance in the Harbour, the Harbour Controller may, by notice in writing, require the Owner to remove it from the Harbour and dispose of such article or thing within a specified period. In the event of the Owner, failing to comply with such Notice in contravention of this Bye-Law, the Council may, at the risk of the Owner, arrange for the removal or disposal of such article or thing as deemed appropriate. Before taking such action, the Harbour Controller 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 or thing within the latter period and the Council then exercises its power of removal, it 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.
- 4.21 If the Harbour Controller is unable to sell any article or thing they deem to be an obstruction or nuisance in the Harbour as set out in Article 4.17 above, they 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.
- 4.22 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

their Vessel to be fumigated in the Harbour for any purpose without the permission in writing of the Harbour Controller. Furthermore, any such operations so permitted shall be at the risk of the Master.

- 4.23 The Master of a Vessel, which is moored at a pier or attached to any mooring device, shall not permit its engine to be worked in a manner that may cause injury or damage to any other Vessel or property, the bed of the Harbour or any of the pier walls. Engine repair where feasible may require re-location of the Vessel to the old pier so that it doesn't obstruct the berthing of other vessels at the new pier & the use of the approach. Repairs that have the potential to cause any adverse environmental impact will not be permitted.
- 4.24 The Master of a Vessel alongside a pier or any other Vessel already berthed within the Harbour shall, if so required by the Harbour Controller in the event of an emergency, give free access across the deck of the Vessel for the passage of persons and the transport of goods to and from any such Vessel berthed alongside provided always that the persons seeking such facility shall be deemed to have indemnified the Council, the Harbour Controller and the Passenger Boat/Passenger Vessel operator on whose vessel they wish to cross from and against all (if any) claims however arising from such access.
- 4.25 The Harbour Controller may at any time within the Harbour either alone or with other authorised persons board any Vessel and inspect it or any part thereof in the execution of their authorised duties.
- 4.26 A Vessel may only be lifted out of the water and temporarily stored elsewhere in the Harbour area by prior agreement with the Harbour Controller and such new location and the proposed storage period must also be agreed beforehand with the Harbour Controller.
- 4.27 The Harbour Controller shall have the power to set aside reserved berths, when deemed necessary, and the use of any such berth will be subject to their consent.
- 4.28 Notwithstanding any other provision hereof, failure on the part of a Master, Owner, servant, agent or other person to comply with directions, instructions or permission given orally or in writing by the Harbour Controller to such person shall constitute a contravention of the Bye-laws. However, such person shall not be bound to comply with any such directions, instructions or permission of the Harbour Controller unless the Harbour Controller produces, if requested by the person, evidence of appointment as such authorised officer for the purposes of Part VII of the 1994 Act & the 2005 Maritime Safety Act.
- 4.29 No work shall be carried out to a vessel whilst in the harbour or at the pier except with the written consent of the Harbour Controller.

5. Vessels - Embarking or Disembarking and Loading or Unloading Operations:

- 5.1 A Master engaged in embarking or disembarking, or loading or unloading, operations at the Pier shall do in a safe and appropriate manner so as not to obstruct other Vessels being loaded, discharged, moored, berthed or navigated.
- 5.2 A Master engaged in embarking or disembarking passengers, or loading or unloading goods, shall cease such operations if so directed by the Harbour Controller.
- 5.3 The Harbour Controller may instruct the Master of a Vessel in the Harbour to embark or disembark passengers, or load or unload goods, within a specified period

whenever in their opinion an unreasonable delay may otherwise arise. If the Master of the Vessel refuses or fails to comply with such an instruction, the Harbour Controller may arrange to carry out such task 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.

- 5.4 A Master boarding or disembarking passengers, or loading or unloading goods, in the Harbour 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.
- 5.5 The handling, stacking or movement of goods by any person in the Harbour shall in all instances be undertaken in a safe manner. Goods intended for shipment (shall not be placed on the Pier without the prior permission of the Harbour Controller.
- 5.6 The Master of a Vessel having on board any quantity in excess of the Vessel's standard equipment or normal requirements of goods of an explosive, inflammable, or otherwise dangerous nature shall not berth or moor nearer than 30 metres to any other Vessel and, immediately on arrival at the Harbour, shall give notice thereof to the Harbour Controller. The Harbour Controller may direct that any such Vessel be moored at an isolated location in the Harbour or, if deemed appropriate, the immediate removal of such goods from the Harbour by whatever safe means are necessary.
- 5.7 The use of matches, mechanical lighters or naked lights of any kind and / or the smoking of tobacco or any other herb within 30 metres of inflammable goods and/or in or within 30 metres of Vessels loading or discharging inflammable goods in the Harbour are prohibited.
- 5.8 When two or more Vessels simultaneously seek to use the Pier or a part thereof, the Harbour Controller shall fix the term and position of each Vessel and the relevant Masters shall abide in all respects with their decision.
- 5.9 Fire-fighting equipment on Vessels, loading or unloading flammable goods in the Harbour, shall be kept in a state of readiness during such operations.
- 5.10 Goods or containers including fish boxes and fish barrels shall not be permitted to remain on the Pier or Slipway. Goods or containers that remain on the Pier or Slipway may be removed by the Harbour Controller and stored elsewhere and the Owners shall be liable for all associated removal costs.
- 5.11 The Council or the Harbour Controller shall not be liable for loss of or damage to any goods or containers whilst in the Harbour.

6. Vehicle movements in the Harbour

- 6.1. The Harbour Controller is empowered to direct the movement of road traffic in the Harbour Area, and any such direction given by them must be obeyed.
- 6.2. A Vehicle engaged in transporting Passengers, goods or containers to or from a Vessel shall remain alongside it and on the Pier only for as long as it is necessary. Such operation shall be carried out as expeditiously as possible and at all times shall be under the direction of the Harbour Controller . No other Vehicles may wait on any Pier in the Harbour or at any place on the adjacent public road other than a place designated for parking during the time so designated. At no stage should a vehicle be

parked such as to potentially interfere with access & operation of Lifeboats. Any breach of this bye law will be deemed an offence in accordance with these Bye Laws

- 6.3. Vehicles used for the movement of passengers, goods or containers shall be suitable for their purpose and handled at all times in an appropriate manner so as to avoid damage to the Pier and injury to any pedestrians or drivers of other vehicles. Vehicles within the Harbour shall be driven only by qualified and insured drivers.
- 6.4. Vehicles and containers shall not be used within the Harbour unless maintained at all times in a good state of repair and in a clean and hygienic condition.
- 6.5. The Harbour Controller, whose decision shall be final, is empowered to determine if any particular Vehicle is unsuitable for the purpose of these Bye-Laws.
- 6.6. Vehicles other than those used for transporting Passengers, goods or containers to or from a Vessel shall not be allowed on the Pier & then only with the Harbour Controllers permission.
- 6.7 Any person driving or otherwise operating a Vehicle that becomes involved in an accident on the pier, whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle, report the accident and give their name and address to the Harbour Controller. The requirements of this Bye-Law are without prejudice to any reporting obligations under the provisions of either the 1961 Act or the 1993 Regulations.
- 6.8 The Owner of a Vehicle in the Harbour shall ensure that any load carried thereon or therein is properly secured and that any such load complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.
- 6.9 The Owner of a Vehicle in the Harbour shall not permit any substance to leak, spill or drop from such Vehicle.
- 6.10 Cleaning and repairing of goods or containers shall only be carried out at places directly authorised by the Harbour Controller.
- 6.11 No person shall engage in water skiing, kiting or parachute towing within the harbour area without the prior consent of the Harbour Controller.
- 6.12 A maximum speed limit of 5 kilometres per hour shall apply to all Vehicles in the Harbour area.

7. General

- 7.1 The Owners of fishing nets, warps and fishing gear of any kind shall not allow such equipment to remain on the Pier . Fishing nets, warps or gear which remain on the Pier may be removed by the Harbour Controller and stored elsewhere. The Owners of such nets, warps or gear shall be liable for the cost of their removal and storage. Any such fishing nets, warps, and fishing gear of any kind stretched along or laid over any part of the pier are entirely at the Owner's risk and any such Owner shall indemnify the Council from and against any claim arising from a member of the public.
- 7.2 The Council or Harbour Controller shall not be liable for any loss or damage to goods, containers, Vehicles, Vessels, fishing nets, warps or gear that are removed

and stored in accordance with these Bye-Laws.

- 7.3 No person shall in any way interfere with goods, containers, Vehicles, Vessels, lights, machinery, equipment or plant in the Harbour.
- 7.4 No waste of any kind or deleterious substances other than surface water shall be deposited, dumped or discharged within the Harbour.
- 7.5 Passenger Boat/Passenger Vessel Operators are obliged to ensure that persons embarking on or disembarking from Vessels, do so in an orderly and safe manner. Specifically, all Passenger Boat/Passenger Vessel Operators shall strictly comply with the terms of the Operating Agreement contained in the Fourth Schedule hereto. Furthermore, such Operators must also comply with any directions or instructions in this regard from the Harbour Controller. The Council is empowered to revoke or suspend the Permit of any Passenger Boat/Passenger Vessel Operator, or take such action as it deems necessary, for failure by the Operator to comply with the provisions of this Bye-Law.
- 7.6 No person shall play any game or carry on any activity that is inappropriate to the Harbour.
- 7.7 Any person committing a nuisance or interfering with the peaceful or orderly use of the Harbour may be requested to depart therefrom by the Harbour Controller. Any individual, if so requested, who fails to do so shall be guilty of the offence of obstructing the Harbour Controller in the execution of their duties.
- 7.8 The Harbour Controller, if of the opinion that a person is contravening or has contravened any of these Bye-Laws, is entitled to seek the name and address of such person. Failure on the part of such person to supply the details so requested to the Harbour Controller is deemed to be an offence under these Bye-Laws.
- 7.9 Exempted Vessels, including pleasure boats, shall not moor alongside the New Pier or Slipway and must keep clear of the approaches to the Harbour. In addition the Owners of such Exempted Vessels shall not anchor or put down moorings except with the consent of the Harbour Controller.
- 7.10 Trading of any kind shall not be carried on within the Harbour other than in accordance with the Council's Casual Trading Bye Laws and with the permission of and at a place designated by the Harbour Controller.
- 7.11 Whenever a Master of a Vessel within the Harbour is not at hand or on board, any notice, required or authorised by these Bye-laws to be served on or given to them, 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 their last known address and in that event shall be deemed to have been delivered in the normal course of post.
- 7.12 The Master of any Vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their 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 Vessels in such manner as to prevent damage to that pier, those other vessels 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 Controller.

- 7.13 No diving operation, swimming or bathing shall be carried out within the Harbour except with the consent of the Harbour Controller.
- 7.14 The Slipway shall be kept clear at all times, other than when launching or recovering Vessels.
- 7.15 No caravan, mobile home, dormobile or other similar Vehicle, which is used or capable of being used for habitation, shall park or remain on the Pier.
- 7.16 No person shall be under the influence of intoxicating liquor within the Harbour.
- 7.17 No person shall collect money, solicit alms, beg, busk, sell or offer for sale any item of food or any article whatsoever within the Harbour.
- 7.18 No person shall bring into or allow to remain within the Harbour any dog unless it is on a leash and every person in control of a dog shall be fully responsible for its behaviour.
- 7.19 The Harbour Controller reserves the right to refuse entry to any Vessels that are in breach of the provisions of these Bye-Laws or do not hold a valid passenger vessel permit from Clare Co Council.
- 7.20 Passenger Boat/Passenger Vessel Operators, engaged in the provision of a regular passenger conveyance service to and from the Harbour, shall provide a schedule of arrival and departure times of any Passenger Boat/Passenger Vessel to the Harbour Controller for their approval. All proposed alterations to schedules or timetables must be notified to the Harbour Controller for their approval, at least 14 days prior to their coming into effect, unless the Harbour Controller agrees to any such lesser period.
- 7.21 The Harbour Controller must be consulted during the preparation of all new schedules or timetables in respect of any Passenger Boat/Passenger Vessel, and must be notified of all new or amended schedules or timetables, for their approval, at least 14 days prior to their coming into effect unless he agrees to any such lesser period.
- 7.22 The Harbour Controller shall have the power, at their absolute discretion as they deem it necessary to issue an instruction to an Operator to alter a schedule or timetable. The Operator may make representations in respect of any such instruction and the Harbour Controller shall take reasonable account of such representation before confirming the instruction.
- 7.23 For non-scheduled trips the Owner of a Vessel shall obtain the prior approval of the Harbour Controller which approval shall not be unreasonably withheld but they may assign a time for arrival and departure of any such trips at their absolute discretion.
- 7.24 The transport of petrol, or any other fuel, in a can, or any other such container is forbidden on board any Passenger Boat/Passenger Vessel.

8. Harbour Charges

- 8.1 The Council hereby imposes the various Harbour Charges set out in the **First Schedule** to these Bye-Laws. Any future variations in such charges will be implemented by way of an amendment to these Bye-Laws.
- 8.2 Passenger Boat/Passenger Vessel Operators, carrying passengers to or from the Harbour, shall in respect of every Vessel be liable to a charge that the Council may determine from time to time.

- 8.3 Exempted Vessels shall be exempt from the Harbour Charges set out in the *First Schedule* to these Bye-Laws.
- 8.4 All charges payable on foot of these Bye-Laws shall be payable to the Council and any charges due or owing to the Council may be so recovered as a simple contract debt in any court of competent jurisdiction.
- 8.5 For the purposes of these Bye-Laws, a Passenger Boat/Passenger Vessel Operator carrying passengers departing from the Harbour shall, in writing, by fax or electronic-mail, or by other such method as may be agreed and in advance of the Passenger Boat/Passenger Vessel clearing the jurisdiction of the Harbour, furnish to the Harbour Controller, a written statement of the number of passengers carried.
- 8.6.1 The Harbour Controller or other Authorised person shall furnish the Passenger Boat/Passenger Vessel Operator with an invoice in respect of Harbour Charges on a monthly basis. Charges payable as aforesaid shall be payable upon issue of the invoice in respect thereof. All monies in respect of any such invoices must be paid to the Council within 7 days.
- 8.7 Without prejudice to the other provisions of these Bye-Laws, when monies in respect of any such invoices are due and owing for 7 days, the Harbour Controller may refuse the Operator entry for their Passenger Boat/Passenger Vessel to the Harbour until such time as the debt has been paid in full to the Council.
- 8.8 The Harbour Controller may detain a Vessel in the Harbour until they are satisfied that all monies due in respect of the Vessel have been paid or sufficient security has been given for the purpose. All outstanding dues or charges may be recovered by the Council as a simple contract debt in any court of competent jurisdiction.

9. Offences

- 9.1 The Master or Owner of any Vessel or any other person who contravenes or fails to comply with any of the above Bye-Laws shall be guilty of an offence and on conviction shall be liable to the penalties laid down in these Bye-Laws.
- 9.2 The Harbour Controller reserves the right to refuse entry to any Vessel, which is in breach of the provisions of these Bye-Laws.
- 9.3 Notwithstanding anything contained in these Bye-Laws, every person in the Harbour area shall comply with any directions he or she receives from the Harbour Controller arising out of the operation of the 2005 Act and any regulations or safety statement made or prepared thereunder.
- 9.4 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 & shall be liable on summary conviction to a fine not exceeding €1,904.61 in respect of such contravention.
- 9.5 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 & be liable on a summary conviction for each such offence to a fine not exceeding €126.97.

- 9.6 Where the Harbour Controller or Authorised Person or a member of the Gardai has reasonable grounds for believing that a person is committing or has committed an offence under these Bye-Laws, they may be served with a notice in the prescribed form, set out in the Second Schedule hereto in accordance with Section 206 of the Local Government Act 2001 as an alternative to a prosecution for contravention of these Bye-Laws stating that:
- a) the person is alleged to have committed the offence
 - 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 & accompanied by the notice.
- 9.7 All fines and fixed payments under these Bye-Laws shall be the maximum amount prescribed under the Local Government Act 2001 and any Regulation made pursuant to that Act, unless otherwise stated.
- 9.8 Any offence under, or breach of, these Bye-Laws shall be notified by the Harbour Controller to the Council.

10. Car Park Facilities

- 10.1 A person shall not use a car park for any purpose other than for the parking of a vehicle where delineated & specified as outlined in the Doolin Pier Parking Places Bye Laws 2016
- 10.2 The hours of operation of car parks shall be as determined by the Council. An appropriate fee shall be paid as directed in accordance with the Doolin Pier Parking Places Bye Laws 2016
- 10.3 A person shall not insert into the pay machine any object other than that required to pay the fee. A person shall not interfere with or damage any such pay machine.
- 10.4 A person shall not park a vehicle in a disabled person parking bay without having displayed thereon an up to date disabled person parking permit.
- 10.5 A person shall not overhaul or execute repairs to a vehicle while it is parked in the car park save where it is necessary to carry out repairs to the vehicle in order to enable it to be removed from the car park.
- 10.6 A vehicle while parked in the car park shall not be used for the sale of food, tickets or goods of any description or for the provision of any service in or from the vehicle as an office nor shall any such vehicle be offered or displayed for sale or for hire as a prize.
- 10.7 Every person using the car park shall comply with any lawful direction given by the Harbour Controller or any authorised person or by a member of the Garda Síochána in relation to the parking of a vehicle in, or its removal, from the car park or in relation to any of these bye-laws. Where a person who is considered to be in breach of any of these bye-laws is requested by the Harbour Controller, authorised person or a member of the Garda Síochána to leave the car park, he shall comply with such request forthwith.
- 10.8 Notwithstanding anything contained in these bye-laws the Harbour Controller may, at their discretion close the car park if tidal, weather, safety or operational maritime matters demand it. They may also close the car park to secure the safety and security

of the harbour area. All vehicles parked in the car park must be removed on the direction of the Harbour Controller or other duly authorised person.

11. Liability

- 11.1 Masters or owners shall be responsible for any damage howsoever caused by their vessels & where damage has been caused to the pier or harbour shall be responsible for the costs incurred in the repair of any such damage to the Harbour Controllers satisfaction
- 11.2 The Council shall not be liable for any loss, theft or damage to any vessel, vehicle, equipment or goods whilst in the harbour. The Council shall not be liable for any loss, damage or injury suffered by any owner or master or crew or passenger of any vessel in the harbour when such damage loss or theft occurred, howsoever such damage loss or theft occurred unless the Council is proven negligent.
- 11.3 Damage caused to Clare Co Council property in the harbour area or losses suffered will be charged to person(s) responsible for such damage.
- 11.4 All persons using any part of the Councils infrastructure or facilities for whatever purpose & whether by invitation or otherwise do so at their own risk & the Council will not be responsible for any loss or damages they may suffer or incur.

FIRST SCHEDULE

SCHEDULE OF BERTHING FEES

DOOLIN HARBOUR BYE-LAWS

Reference	Description	Fees
1.	Use of harbour by a passenger vessel capable of carrying 100 persons or more	€70 per Entry or €7,000 per calendar year
2	Use of harbour by a passenger vessel capable of carrying less than 100 persons	€40 per Entry or €4,000 per calendar year

THIRD SCHEDULE

COMHAIRLE CONTAE AN CHLÁR

CLARE COUNTY COUNCIL

PASSENGER VESSEL PERMIT issued under County of Clare Doolin Harbour Bye-Laws, 2016.

1. (Full Name) _____ of (Address) _____
_____ is hereby authorised by this permit to use the property of the Council at Doolin Harbour for the purpose of embarkation or disembarkation of passengers from _____ (Vessel Name).
2. This authorisation is subject to the conditions laid down in the Operating Agreement dated the ____ day of _____, 200__ attached to this permit, and to the provisions of any Bye-Laws and Regulations under the Local Government Act, 1994 as amended and the Harbours Act, 1996.
3. This permit may be revoked at any time, where it is considered necessary in the interests of safety or for the good management or operation of the harbour.
4. Without prejudice to the generality of the foregoing, this permit may be revoked where the permit holder or their servants or agents are in breach of or fail to comply with terms of the operating agreement.
5. This permit shall be valid for the duration of the passenger ship certificate and/or the exemption granted in respect of the vessel under the Merchant Shipping Act, 1894 to 1998.

Signed on behalf of the Council for the County of Clare.

Date

FOURTH SCHEDULE

OPERATING AGREEMENT

MEMORANDUM OF AGREEMENT made on the ___ day of _____
Two Thousand and _____ **BETWEEN THE COUNTY COUNCIL FOR THE**
COUNTY OF CLARE (hereinafter called “the Council”) of the One Part AND
_____ being the Master / Operator of
_____ (Vessel Name and Number) (hereinafter called “the
Permit Holder”) of the Other Part.

WHEREAS the County of Clare Doolin Harbour Bye-Laws, 2016 came into
operation on the 9th day of June Two Thousand and Sixteen **AND WHEREAS** the
Council agrees to allow the use of it’s property at Doolin Harbour by the Permit
Holder for the purpose of the embarkation or disembarkation of passengers from
_____ (Vessel Name).

NOW IT IS HEREBY AGREED AS FOLLOWS:

1. The Permit Holder shall produce to the Harbour Controller at Doolin Harbour a copy of the vessel’s current validated passenger ship certificate and/or exemption granted in respect of the vessel, under the Merchant Shipping Acts 1894 to 1998, as evidence of the vessel’s status as a certified passenger ship.
2. The Permit Holder shall inform the Harbour Controller in writing of any change affecting the safe operation of the Vessel or any change in the Vessel’s status, as in 1 above, and shall further inform the Harbour Controller once the Vessel’s status has been restored.
3. In conjunction with 1 above the Permit Holder shall produce to the Harbour Controller the names and qualifications, including the certificate number and date of endorsement of continued proficiency and up-dating of knowledge, and any other endorsements or exemptions granted to the Master and Chief Engineer and also the number of qualified crew on board and notify the Harbour Controller of any changes from time to time.
4. The Permit Holder shall provide to the Harbour Controller, if requested, a daily or weekly schedule (subject to weather) of arrival and departure times for their approval. The Harbour Controller may require the Permit Holder to make such changes as they consider necessary to the schedule.
5. Where the vessel to which the permit relates proposes to go to sea from the Harbour, the permit holder shall provide, in writing, by fax or e-mail, or by other such method as may be agreed, to the Harbour Controller, the time of departure, the destination and the number of passengers onboard the Vessel in advance of the Vessel clearing the jurisdiction of the Harbour.
6. The Permit Holder shall ensure that at all times, as the Harbour Controller may require, there is enough crew available so that the Vessel can be moved off the

berth at short notice to meet harbour requirements. If another Vessel needs to berth and if, for any reason, the Vessel berthed is unable to leave or be moved from the berth, as required, it shall be the duty of the Permit Holder to make arrangements for the immediate coming alongside the Vessel of the other Vessel, which might have otherwise secured to the berth. The Permit Holder shall ensure the safe embarkation and disembarkation of the other Vessel's passengers across the decks of their Vessel

7. The sale of tickets by Passenger Boat/Passenger Vessel Operators or by agents acting on their behalf shall be conducted as follows:
 - a. in a manner which has full regard to the Health & Safety of visitors, staff & general public & in compliance with all current & pertinent Health & Safety legislation
 - b. in a professional & courteous manner with a view to ensuring that the experience of visitors & the public in general is positive & welcoming
 - c. without any unsavoury verbal communications , communications on social media or activities between ticket sales operators or towards any other persons
 - d. in a manner deemed satisfactory to the Harbour Controller.Soliciting for business ,outside of the agreed ticket sales offices, shall not occur in or in the vicinity of the circulation/concourse areas, the car parks, along the access road or in any other public area.
8. The Permit Holder shall display all Ferry sailing times in a manner and at a location to be agreed with the Harbour Controller. Passenger Boat/Passenger Vessel Operators shall strictly adhere to such sailing times other than with the agreement of the Harbour Controller, who will have due regard to inclement weather conditions in determining any alterations to the said sailing times.
9. The Permit Holder shall ensure, in all instances where Passengers are being conveyed in Passenger Boats/Passenger Vessels operating from the Harbour, that a sufficient number of crew is provided to operate such Boats/Vessels. At all times such crew numbers shall be in accordance with the aforementioned Passenger Boat Licence issued under the Merchant Shipping Act of 1992 as amended.
10. The Permit Holder shall ensure that the number of passengers conveyed to or from the Harbour is fully in accordance with the terms of the Passenger Boat Licence issued under the Merchant Shipping Act of 1992 as amended.
11. As employer Passenger Boat/Passenger Vessel Operators are legally obliged to prepare a Safety Statement in accordance with the terms of the 2005 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. Such Safety Plans must include:
 - (a) the identification of the various hazards involved with their operations;
 - (b) the preparation of an associated Risk Assessment; and
 - (c) the putting in place of appropriate Control measures to address the various risks identified in the said Risk Assessment.

12. Passenger Boat/Passenger Vessel Operators are at all times obliged to ensure the orderly queuing of passengers, both those arriving from the Islands/Cliffs and in particular those on the New Pier waiting to depart from Doolin. Specifically, Passenger Boat/Passenger Vessel Operators will be required to demonstrate to the Council that such matters are fully addressed by means of the aforementioned Safety Plans. They will also be required to contain and monitor such passengers at a designated Waiting Area of the New Pier at all times. Such a Waiting Area and the management of passengers thereon must be agreed between the Council and the Passenger Boat/Passenger Vessel Operators before a permit to operate from the Harbour will be granted.
13. Due to the nature of the operations involved, Permits to operate Passenger Boat/Passenger Vessels at Doolin will not be issued by the Council unless satisfactory evidence is provided that passengers and in particular children are at all times monitored and controlled by the Operators on the aforementioned designated Waiting Area of the New Pier. Furthermore, Operators must comply with any directions or instructions in this regard from the Harbour Controller.
14. Permit Holders shall indemnify and keep indemnified the Council, its servants and agents against all actions, claims, proceedings, expenses and any demands whatsoever in respect of injury to persons or damage to property arising in any way out of the grant of the permit and shall effect such insurances as may be necessary for the better securing of these indemnities and when required, by the Council, shall produce such policies of insurance and the receipt for the current periods premium.
15. Nothing in this agreement shall prejudice or affect any right of the Harbour Controller or the Council to prosecute the Permit Holder for any breach of the various Acts, the Bye-Laws applicable to Doolin Harbour, this Operating Agreement or to recover in a court of competent jurisdiction any dues or fees outstanding.
16. Without prejudice to the generality of the foregoing, the Permit Holder shall at all times comply with the provisions of the County of Clare Doolin Harbour Bye-Laws, 2016. Any offence under, or breach of, these Bye-Laws or condition(s) of this Operating Agreement may result in the permit being revoked or suspended. Prior to revoking or suspending the permit, the Council will notify the Permit Holder in writing that it is considering taking this action and the Permit Holder shall be allowed 7 days from the date of such notification to make written representations to the Council regarding this action. The Council shall consider these written representations from the Permit Holder and then may:
 1. Revoke the permit, or
 2. Suspend the permit, or
 3. Take such action as it deems necessary.

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

SIGNED on behalf of
the Council by:-

SIGNED by the
said
in the presence of:-
