
STATUTORY INSTRUMENT

S.I. No of

Draft

Waterways Ireland Bye-laws (Ireland)

Waterways Ireland makes the following Bye-laws in exercise of the powers conferred on it by section 3 of the Shannon Navigation Act, 1990 (No. 20 of 1990), section 7 of the Canals Act, 1986 (No. 3 of 1986) and sections 56 and 57 of the Maritime Safety Act, 2005

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Citation and commencement

1. (1) These Bye-laws may be cited as the **Waterways Ireland Bye-laws (Ireland)**
- (2) These Bye-laws shall come into operation on the day of

Interpretation

2. (1) In these Bye-laws, except where the context otherwise requires
 - “abaft” means to the direction of the stern
 - “abstraction” means the doing of anything whereby water is removed from a navigation or underground stratum
 - “air cushion vessel” means a machine designed to derive support in the atmosphere primarily from reactions against the earth’s surface of air expelled from the machine and includes a hovercraft
 - “air draft” means the height from the waterline to the highest point of the craft
 - “Authorised Officer” means an officer of Waterways Ireland authorised in writing by the Chief Executive of Waterways Ireland to exercise the expressed powers conferred on him or her by these Bye-laws
 - “boat” means an open or undecked punt, canoe, skiff, scull, row boat or other such watercraft designed to be propelled primarily by oars or sail and not propelled by an engine of more than 10 horsepower or 7.5 kW
 - “craft” includes every description of watercraft used or capable of being used as a means of transportation on water
 - “decked craft” means a pleasure craft which is not an open craft
 - “distress flag” means a flag at least 1000 millimetres in width and 500 millimetres in height, is bordered at each end by a white sleeve that is 45 millimetres in width and to the outside corners of which are attached tie cords, and consists of a white ground with a red diagonal cross of two strips, each of which is 75 millimetres in width and extends from diagonally opposite corners of the flag (excluding the sleeves)
 - “dive flag” means the blue swallow-tailed flag representing the letter “A” from the International Code of Signals
 - “draft” means depth in water at which a vessel floats from the waterline to the lowest point of the craft
 - “enabling legislation” means section 3 of the Shannon Navigation Act, 1990, section 7 of the Canals Act, 1986 and sections 56 and 57 of the Maritime Safety Act, 2005
 - “event” means regatta, race or any organised gathering of craft or people for the purpose of competition or display
 - “fast power craft” means a pleasure craft, other than a personal watercraft, the principal means of propulsion of which is derived from a mechanical power source and which attains or can attain a speed through or over water equal to or exceeding 17 knots (31.5 km/h) and when used for the purposes of water skiing, parascending and similar activities shall be deemed to include any towed apparatus and tow rope attached thereto used by any person or persons
 - “fire extinguisher” means a dry powder fire extinguisher of 1 kilogramme capacity, a carbon dioxide fire extinguisher of 2 kilogrammes capacity, a foam fire extinguisher of 9 litres capacity, an automatic engine-room fire-extinguishing system, or a fire blanket for a cooking area
 - “fishing vessel” means any craft fishing with nets, lines, trawls or other fishing apparatus
 - “hampered” means restricted in ability to manoeuvre
 - “hire vessel” means any vessel hired for pleasure cruising

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“houseboat” means a vessel in the navigation which is providing a permanent residence on either a part-time or full-time basis

“leeward” means the direction towards which the wind blows

“master” means the person, for the time being, in charge of a craft

“mooring” means any harbour, jetty, pier, wharf, quay, lay-by, berth, point mooring or other landing place to moor a craft excluding any public mooring

“movable bridge” means any bridge capable of being opened to permit the passage of craft

“navigation” means those navigable waters under the control of Waterways Ireland in Ireland and may include any towpath or property of Waterways Ireland contiguous thereto

“nuisance” means an unacceptable interference with a person’s use of the navigation

“open craft” means a pleasure craft which does not have a cabin or below deck facilities for the use of persons, and where seating or any place on the craft used for seating is exposed or partially exposed to the elements

“owner” means the signatory detailed in the craft registration form or the signatory detailed in a register of craft maintained by a navigation authority recognised by Waterways Ireland

“passenger vessel” or “passenger boat” means a vessel used for the purpose of carrying passengers for payment

“personal flotation device” means a lifejacket or buoyancy aid which is sufficient to give a person using it positive buoyancy in waters likely to be encountered

“personal watercraft” means a craft which uses an internal combustion engine having a water jet pump as its primary source of propulsion and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of the hull

“pleasure craft” includes personal watercraft and fast power craft

“polluting matter” includes any poisonous or harmful matter and any substance (including any explosive, liquid or gas), the entry or discharge of which into any waters is liable to render those or any other waters harmful or detrimental to public health or to domestic, commercial, industrial, agricultural or recreational uses or poisonous or injurious to fish or their spawning grounds

“port side” means the side of the craft which is on the left when facing towards the front of the craft

“prolonged blast” means a blast of over four seconds duration

“property” includes any building, plant, equipment or land owned or leased by Waterways Ireland in the execution of its duty under its enabling legislation

“public mooring” means any mooring provided by Waterways Ireland where the public is permitted to moor craft but excluding any mooring provided by Waterways Ireland which is leased or licensed to a private party

“seaplane” means any aircraft designed to manoeuvre on the waters and shall include flying boats, amphibians, floatplanes and micro-light aircraft

“short blast” means a blast of about one second duration

“starboard side” means the side of the craft which is to the right when facing towards the front of the craft

“swinging mooring” means a single point mooring, situated clear of a fixed mooring, attached to a fixing or anchor and marked with a buoy

“the register” means a register of craft established under these Bye-laws and related words should be construed accordingly

“towpath” includes any access way alongside the navigation provided for recreation and maintenance purposes

“underway” in relation to a craft means a craft which is not at anchor nor made fast to the shore or aground

“vehicle” means anything on wheels, runners or articulated tracks

“vessel” means every description of craft including non-displacement craft and seaplanes but does not include a boat or personal watercraft

“visible” when applied to lights means visible on a dark night with a clear atmosphere at a distance of at least 3.7 kilometres

“waiting mooring” means a mooring at the entrance or exit of a lock or movable bridge, which was installed primarily to assist the master of a craft make passage

“wake” the track left by a craft moving through the water

“wash” means the turbulent displaced water created by the hull of a craft as it is propelled through the water

“windward” means the direction from which the wind blows

“workboat” means a craft used for purposes other than for recreation or passenger transport

“works” means any lock, lock-gate, lock-gate mechanism, sluice, paddle, weir, weir-board, bridge, aqueduct, dock, dry-dock, basin, reservoir, tunnel or water gauge or any other part of the navigation

(2) References in these Bye-laws to craft are, except where the context otherwise requires, references to craft in the navigation

(3) In these Bye-laws –

(a) a reference to a Bye-law is a reference to a Bye-law of these Bye-laws unless it is indicated that reference to some other Bye-laws is intended

(b) a reference to a paragraph, or sub-paragraph, is a reference to the paragraph, or sub-paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended

(4) The inland waterways to which these Bye-laws refers shall include

(a) the section of the Shannon-Erne Waterway located within the jurisdiction of Ireland, the Shannon Navigation, the Grand Canal, Royal Canal and Barrow Navigation

(b) any other inland waterway in Ireland specified in legislation, following agreement by the North South Ministerial Council

Powers of the Chief Executive

3. (1) The Chief Executive of Waterways Ireland shall be the person with the authority to appoint Authorised Officers

(2) The Chief Executive may give to the owner of a craft such directions as he or she considers reasonable for the purpose of his or her powers, functions and duties under the enabling legislation and these Bye-laws, and the owner shall comply with any such direction

Authorised Officers

4. (1) For the purposes of these Bye-laws an Authorised Officer shall be an employee of Waterways Ireland, or appointed agent, or agents of Waterways Ireland, designated in writing in that behalf by the Chief Executive of Waterways Ireland

- (2) Each person designated as an Authorised Officer under paragraph (1) of this Bye-law shall be given an instrument of appointment as an Authorised Officer, which shall be sufficient warrant for exercising the powers conferred on him or her by these Bye-laws, and shall, if requested by any person affected, produce the said instrument to that person
- (3) The instrument of appointment given to each Authorised Officer shall specify which Bye-law, paragraph or sub-paragraph refers to the powers conferred on him or her in the exercise of his or her functions under these Bye-laws
- (4) An Authorised Officer may be assisted in the exercise of his or her functions under these Bye-laws by such persons as the Authorised Officer considers necessary

Powers of Authorised Officers

- 5.** (1) Subject to the powers conferred in Bye-law 4 paragraph (3) and in addition to the powers conferred elsewhere in these Bye-laws, an Authorised Officer may –
- (a) give to a person in the navigation, whether in a craft or not, such directions as he or she considers reasonable for the purposes of these Bye-laws or for the purpose of ensuring compliance with these Bye-laws or ensuring the safety of persons or property
 - (b) board, enter and inspect any craft on any part of the navigation or Waterways Ireland's property for the purpose of ensuring compliance with these Bye-laws and may for the purpose of boarding, stop a craft that is underway
 - (c) request a person stopped under sub-paragraph (b) or whom the Authorised Officer suspects is contravening or has contravened a provision of these Bye-laws to give his or her name and address or any such information within the knowledge of the person as the Authorised Officer may reasonably require for the purposes of these Bye-laws
 - (d) direct a person whom the Authorised Officer suspects is contravening or has contravened a provision of these Bye-laws to leave the navigation
- (2) A person to whom a request is made or a direction given under paragraph (1) shall comply with the request or direction as soon as may be
- (3) A person shall not, in pursuance of a request or direction under paragraph (1), give to an Authorised Officer information that is, to the knowledge of the person, false or misleading or give a false name or address
- (4) A person shall not obstruct, hinder or otherwise interfere with an Authorised Officer in the performance of his or her functions under these Bye-laws

Registration of craft

- 6.** (1) (a) Waterways Ireland shall establish, maintain and update a register (referred to subsequently in these Bye-laws as "the register") of the craft in the navigation
- (b) An entry in the register in relation to a craft shall contain such particulars (including particulars in relation to the craft and its ownership) as Waterways Ireland may determine
 - (c) The owner of any craft intended for carrying passengers for reward will be required to prove compliance with the statutory requirements and codes of practice of the certifying and licensing authority, as a condition of the craft being entered on the register
 - (d) The owner of a fishing vessel used for the purposes of commercial fishing on the navigation will be required to prove compliance with the statutory requirements and codes of practice of the certifying and licensing authority, as a condition of the vessel being entered on the register
 - (e) The registration of a vessel or personal water craft shall be valid for a period as determined by the Chief Executive, after which the registration shall be due for renewal

- (f) The registration of a boat shall be valid for a period as determined by the Chief Executive from time to time, after which it will be due for renewal
- (g) Paragraph (e) shall become effective one calendar year after the date of commencement of these Bye-laws, as set out in Bye-law 1 paragraph (2)
- (2) The owner of a craft shall not keep or navigate or cause to be navigated or authorise, permit or assist in the navigation of the craft unless the craft is registered
- (3) An application for the registration or renewal of registration of a craft shall be made in writing to Waterways Ireland at the address as appropriate in Appendix 1, and shall be in such form as Waterways Ireland may specify or in a form to the like effect
- (4) A person making an application under paragraph (3) shall furnish Waterways Ireland with such information requested as it may reasonably require for the purpose of its functions under this Bye-law
- (5) Waterways Ireland may refuse to register a craft if, in its opinion, the craft does not comply with these Bye-laws or any provisions under the enabling legislation or other statutory regulations, or if a request under paragraph (4) in relation to the registration is not complied with
- (6)(a) Waterways Ireland may, as occasion requires, amend an entry in the register and may, if in its opinion a registered craft does not comply with these Bye-laws or any other Bye-laws under the enabling legislation, delete the entry in the register relating to the craft
- (b) Where Waterways Ireland proposes to refuse to register a craft or to delete an entry in the register, it shall serve a notice on the owner of the craft concerned specifying the proposal and, before deciding to proceed with the proposal, shall consider any representation made to it by such owner not later than 28 days after the notification aforesaid
- (7)(a) Upon the registration of a craft, Waterways Ireland shall allocate an identification number and shall issue the owner with the number in figures and the owner shall arrange that the number be displayed conspicuously on each side of the bow and on the stern of the said craft
- (b) If the owner of a craft wishes to display their own print of the Waterways Ireland allocated registration number, the format and size of the proposed print must be prior approved by Waterways Ireland. This shall be not less than 300 millimetres in height and of a contrasting colour to the background colour of the craft
- (c) Upon the registration of a vessel or personal watercraft, Waterways Ireland shall issue to its owner a registration disc indicating the period of registration and the owner shall ensure that the said disc is conspicuously displayed on the vessel or personal watercraft at all times, as to enable easy inspection during the period of registration, but not if the vessel or personal watercraft ceases (whether pursuant to paragraphs (6) or (8)) to be registered
- (d) In the case of seaplanes, Waterways Ireland will recognise the validity of a certificate of registration issued by the relevant aviation authority
- (8)(a) When a person transfers ownership or disposes of a registered craft, the said person shall notify Waterways Ireland stating the registration number of the craft and the name and address of the person to whom the transfer of ownership was made
- (b) When a person acquires a registered craft, the said person must re-register the craft giving the original registration number and the name and address of the person from whom he or she acquired it

(c) An application for the re-registration of a craft shall be made in writing to Waterways Ireland at the address as appropriate in Appendix 1 and shall be in such form as Waterways Ireland may specify or in a form to the like effect

(9) (a) The hull of a craft complying with registration under this bye-law must be of sound construction

(b) The owner of any vessel or personal watercraft registered must provide written evidence to Waterways Ireland of third party insurance cover of the said vessel or personal watercraft by way of a valid Certificate of Insurance

(c) Evidence of insurance pursuant to sub-paragraph (b) will only be acceptable in original certificate form on registration or renewal,

(10)(a) The owner of a craft registered in a register of craft maintained by a recognised navigation authority that regulates or controls craft on rivers, canals, lakes or other waterways outside Waterways Ireland's jurisdiction, shall be permitted to navigate the said craft on the navigation, provided they seek the written permission of Waterways Ireland, not less than three weeks in advance of their arrival on the navigation

(b) Permission pursuant to sub-paragraph (a) shall be conditional on the owner of the craft providing evidence of insurance pursuant to sub-paragraph (9)(b) and shall fully and effectually indemnify and keep indemnified at all times, Waterways Ireland, its servants and /or agents against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and howsoever arising in connection with any personal injury (fatal or otherwise), loss or damage, howsoever sustained or caused to any person or property

(c) Permission pursuant to sub-paragraph (a) shall be for no longer than one month unless an extension has been granted in writing and with the prior approval of Waterways Ireland

(11)(a) A charge of the amount specified in Table 1 of the schedule of charges to these Bye-laws shall be levied on and paid by the owner of a vessel or personal water craft in respect of the registration of the said vessel or personal water craft

(b) A charge of the amount specified in Table 1 of the schedule of charges to these Bye-laws shall be levied on and paid by the owner of a vessel or personal water craft in respect of the renewal of registration of the said vessel or personal water craft

(c) Non-payment of registration charges will be considered as non-compliance

(12) A craft that is not registered may be removed and stored by Waterways Ireland or an Authorised Officer until such time as it is removed from such storage by the owner thereof

(13) Waterways Ireland may release information to relevant authorities in relation to craft ownership when requested, in accordance with Data Protection legislation

Permits

7. (1) Waterways Ireland may issue permits to further authorise and regulate the use of craft on those parts of the navigation as set out in Table 2

(2) Permits shall be for stated periods or journeys and may contain such reasonable written conditions as Waterways Ireland deems fit

(3) Waterways Ireland may, at its discretion, decline to issue any permit or may revoke or withdraw any permit already issued

(4) Where Waterways Ireland proposes to revoke or withdraw a permit pursuant to paragraph (3) it shall serve notice on the owner of the craft

(5) No master of a craft shall navigate such craft in the navigation without a valid permit, for the purpose of which a permit is required under these Bye-laws

(6) A charge of the amount specified in Table 2 of the schedule of charges to these Byelaws shall be levied on and paid by the master of a craft in respect of a specific permit issued

Owners, masters and crew of craft

8. (1)(a) The owner of a craft or some other person whom the owner has designated to be master of the craft shall be competent and have such skills as to enable the craft to be navigated safely on any part of the navigation

(b) The owner of a craft or some other person whom the owner deems competent who has been designated by the owner to be master of the craft, shall be responsible for ensuring that the craft has a competent crew of such number and such skills as to enable the craft to be navigated safely on any part of the navigation and that the operation and control of the craft is carried out by or under the supervision of the master, who shall be in command of the craft at all times when it is underway

(2)(a) The owner of a personal watercraft or fast power craft shall be responsible for ensuring that the operation and control of the personal watercraft or fast power craft is carried out by a person who has attained the age of 16 years or more

(b) The owner or master of a boat or vessel powered by an engine with a rating of more than 5 horsepower or 3.7 kW shall be responsible for ensuring that the operation and control of the craft is carried out by a person who has attained the age of 12 years or more

(3) No person shall operate a personal water craft or a motorised skimmer in the navigation unless the engine is fitted with a safety mechanism which causes the engine to stop should the person be separated from the personal water craft or motorised skimmer

(4)(a) A boat shall carry a personal flotation device for each person on board and a vessel shall carry a personal flotation device for each person on board and one life belt

(b) The master of a craft shall ensure that any person on board the said craft who has not attained the age of 16 years shall wear a suitable personal flotation device while the craft is underway

(c) The master of a personal watercraft or motor skimmer shall be responsible for ensuring that the person operating and controlling the craft shall wear a suitable personal flotation device while the personal watercraft or motor skimmer is underway

(d) The master of an undecked or partially decked fast power craft shall be responsible for ensuring that the person operating and controlling the fast power craft and any other person on board shall wear a suitable personal flotation device while the fast power craft is underway

(e) The master of a pleasure craft (other than a personal watercraft) shall be responsible for ensuring that any person being towed by the said pleasure craft or who is on board another craft or object or thing being towed by the pleasure craft shall wear a suitable personal flotation device while the pleasure craft and its associated towing apparatus is underway

(f) The master of a craft shall ensure that each personal flotation device provided is appropriate to the body weight of the person who is to wear it and has the CE Marking as set out by Council Directive 89/686/EEC (as amended by 93/68/EEC and 96/58/EC)

(g) The master of a craft shall ensure that each buoyancy aid provided is in sound, serviceable condition and is appropriate for use

(5) The master of any craft by which any person is, or persons are, being towed or who is on board another craft or object or thing being towed, shall ensure that craft carries at

least two competent persons, one of whom shall navigate the craft and the other of whom shall watch the towed person or persons and relay any signals to the master

(6)(a) The master of a passenger vessel or passenger boat shall not navigate the craft in the navigation without proper and current certification by the relevant licensing authority

(b) All persons on board any boat of less than 7 metres in length must wear a personal flotation device while on board an open craft or while on the deck of a decked craft

(7) At all times, the master of any craft shall be responsible for the safety of the craft and that of its crew, if any, given the prevailing navigation conditions, especially during periods of extreme flow or high or low water levels

(8) The master of any vessel shall ensure that at least one efficient anchor and chain (or cable or hawser) appropriate to the size of the craft is carried. Anchors with their chains, cables or hawsers shall be stowed in such positions and shall have such other equipment as to enable them to be dropped or weighed quickly

(9) A vessel with a freeboard of more than 50 centimetres shall carry a boarding ladder or steps

(10) A vessel shall carry either -

(a) a distress flag, 1 metre in width by 0.5 metres in height, which shall be flown from a pole or mast or other suitable elevated part of the craft, if and when the craft is in distress or

(b) 6 pyrotechnic distress signals and 2 buoyant smoke signals, which should be stowed securely on board in a watertight container, and clearly labelled to indicate its contents and the effective life of the signals

(11) A craft engaged in diving operations shall fly the "Dive Flag" where best seen and of a size appropriate to the craft

(12)(a) A vessel shall have on board fire-fighting equipment appropriate to the fire hazard

(b) Petrol engine enclosures shall be protected by a fire extinguishing system that avoids the need to open the enclosure in the event of fire

(c) Portable fire extinguishers shall be readily accessible and one shall be so positioned that it can easily be reached from the main steering position of the craft

Alcohol and other drugs

9. (1) The master or any person who is under the influence of alcohol, any other drug, any combination of drugs or of alcohol and drugs to such an extent as to have his or her capability to navigate or have proper control of a craft impaired, shall not navigate a craft or make use of any equipment or installation in the navigation

(2) A person shall not affect the safety of other persons or create any disturbance on board a craft or affect the safety, health and welfare of other persons using the navigation or constitute a nuisance to other persons as a result of the influence of alcohol or any other drug or any combination of drugs or of alcohol and drugs

(3) The master of a pleasure craft shall be responsible for ensuring that any person being towed by the said pleasure craft or who is on board another craft or object or thing being towed by the pleasure craft, is not under the influence of alcohol or any other drug or any combination of drugs or of alcohol and drugs

Navigation of craft

10. (1) The master of a craft underway shall keep, or arrange for the keeping of, a proper lookout and shall at all times navigate with care and caution, and with reasonable

consideration for others, having due regard to the circumstances or weather, visibility, flood and other traffic

(2)(a) Masters of craft proceeding in opposite directions along the same channel shall pass port to port

(b) Where two craft are converging on one another so as to involve risk of collision, the master of the craft which has the other craft on its starboard side shall give way

(c) When two craft are crossing so as to involve risk of collision, the master of the craft which has the other on its starboard side shall give way

(3)(a) The master of a craft overtaking any other craft shall keep out of the way of the overtaken craft and the master of the latter shall give sufficient room for the purpose of the manoeuvre being carried out safely

(b) The master of a craft shall not run abreast or overtake or attempt to overtake another craft in a part of the navigation that is not more than 12 metres in width

(4) When two craft are in sight of each other, the master of the craft intending to alter course or go astern shall, before doing so, indicate that intention as follows:

(a) If he or she intends to alter course to starboard, he or she shall give one short blast on a whistle

(b) If he or she intends to alter course to port, he or she shall give two short blasts on a whistle

(c) If he or she intends to go astern, he or she shall give three short blasts on a whistle

(5)(a) The master of a craft navigating against the stream or flow shall reduce speed or stop so as to allow clear passage to those navigating with the stream or flow, if there is insufficient room for them to pass in safety without doing so

(b) The master of a craft navigating against the stream or flow shall give precedence for passage through a bridge to those navigating with the stream or flow

(c) The master of a mechanically powered craft shall give way to sailing craft

(d) The master of a craft shall give way to hampered craft

(6) The master of a craft shall use fenders to prevent damage to any part of the works of the navigation or to other craft in the navigation

Craft under sail

11. (1) When a vessel or boat under sail is approaching another vessel or boat under sail, so as to avoid a risk of collision, the master of one of them shall keep his or her vessel or boat out of the way of the other as follows –

(a) When each has the wind on a different side, the master of the vessel or boat which has the wind on the port side shall keep out of the way of the other

(b) When both have the wind on the same side, the master of the vessel or boat which is to windward shall keep out of the way of the other which is to leeward

(2) The master of a vessel or boat shall not use or hoist a sail within 100 metres of a movable bridge or lock, unless the vessel or boat concerned is negotiating the bridge or lock, or is about to berth at or sail from a mooring within 100 metres of the bridge or lock

(3) A person shall not navigate a vessel or boat under sail on those parts of the navigation with reduced air draft, unless the mast can be lowered on or secured to the deck of the vessel or boat, without the written permission of Waterways Ireland

Lights to be carried by craft

12. (1) The master of a craft underway during the period from sunset to sunrise, or periods of restricted visibility, shall ensure that the said craft displays –

- (a) a green light on the starboard side of the craft so constructed as to show an unbroken light over an arc of the horizon of 112 degrees 30 minutes, so fixed as to show the light 112 degrees 30 minutes on the starboard side, that is to say, from right ahead to 22 degrees 30 minutes abaft the beam on the starboard side and of such character as to be visible (if there are no intervening obstructions) within that arc at a distance of not less than 1.5 kilometres
 - (b) a red light on the port side of the craft so constructed as to show an unbroken light over an arc of the horizon of 112 degrees 30 minutes, so fixed as to show the light 112 degrees 30 minutes on the port side, that is to say, from right ahead to 22 degrees 30 minutes abaft the beam on the port side and of such character as to be visible (if there are no intervening obstructions) within that arc at a distance of not less than 1.5 kilometres
 - (c) a white light at the stern of the craft so constructed as to show an unbroken white light over an arc of the horizon of 135 degrees, so fixed as to show the light 67 degrees 30 minutes from right abaft on each side of the craft and of such character as to be visible (if there are no intervening obstructions) within that arc at a distance of not less than 1.5 kilometres
 - (d) in the case of a boat designed to be propelled primarily by sail, a white light in the fore part of the craft so constructed as to show an unbroken white light over an arc of the horizon of 225 degrees, so fixed as to show the light 112 degrees 30 minutes on each side of the craft, that is to say, from right ahead to 22 degrees 30 minutes abaft the beam on either side and of such character as to be visible (if there are no intervening obstructions) within that arc at a distance of not less than 3 kilometres
- (2) The lights specified in sub-paragraphs (a) and (b) of paragraph (1) shall be carried not less than one metre below the light specified in sub-paragraph (d) of paragraph (1) or may be shown from a combined lantern placed at a similar distance below that light
 - (3) The master of a boat underway during the period from sunset to sunrise shall have on board an electric torch or a lantern which shall be illuminated and exhibited in sufficient time to prevent collision with another craft
 - (4) During the period from sunset to sunrise, or periods of restricted visibility, the master of a craft that is aground or anchored or moored, other than at a recognised public mooring place, shall display a bright white light

Maximum draft

- 13.** (1) The master of a craft shall not navigate that craft in any part of the navigation if the draft of the craft exceeds the draft criteria specific to that part of the navigation, as stated in Appendix 2
- (2) The master of any craft with a draft greater than the criteria set out in paragraph (1) may, under special circumstances, navigate certain parts of the navigational system, only with prior permission from Waterways Ireland
 - (3) The master of any craft shall ensure that the craft has adequate air draft clearance to pass safely through bridges and under overhead power and communication lines and services
 - (4) These Bye-laws make no representation or give any warranty as to the condition of the navigation, as available draft is dependent on water levels

Passage of craft

14. (1) The master of a craft shall not enter or attempt to enter a lock on the navigation unless there is not less than 80 millimetres of water between the keel of the craft and the sill of the lock
- (2) The master of a craft shall not navigate the said craft at a speed in excess of 3 knots (6 km/h) when within 100 metres of a lock and shall, when approaching and not more than 100 metres from a lock, keep out of the way of craft that have left or are about to leave the lock at the end in which his or her craft is approaching
- (3) The master of a craft shall not navigate the said craft to approach within 50 metres of a lock for the purpose of passage through unless, where applicable, the traffic light signal is showing green or the lock is cleared or prepared for such passage or the approach is for the purpose of reaching a waiting mooring
- (4) The master of a craft shall –
- (a) ensure the craft is equipped with bow and stern mooring lines appropriate to its tonnage and length and of sufficient length and tensile strength to moor it safely
 - (b) ensure the craft is equipped with such number of fenders of such design and material as to prevent damage to other craft or to property of Waterways Ireland
- (5) The master of a craft shall –
- (a) as soon as may be after the said craft has entered a lock chamber, secure the craft by means of a bow line and stern line, or by other such suitable means to the mooring posts, bollards or rings provided for that purpose
 - (b) ensure that the engine of the said craft is switched off as soon as it is secured in a lock chamber and remains switched off until the lock gates are opened to allow egress of the craft
 - (c) not refuel the said craft while it is in a lock chamber
 - (d) not ignite or permit the ignition of a match or mechanical lighter or the use of any other means of producing a naked flame on board the said craft while it is in a lock chamber
 - (e) not cause or permit the said craft to delay unnecessarily in a lock chamber
 - (f) not permit the said craft to remain at a waiting mooring for any longer than is necessary to prepare a lock or bridge for passage
- (6) Where the passage of a craft through a lock is Waterways Ireland operator assisted, the master of the craft shall
- (a) comply with all reasonable instructions and directions by the said operator in making the passage
 - (b) not open or close, or permit any person on board the said craft to open or close or attempt to open or close the gates or sluices of a lock chamber without permission and prior instruction from Waterways Ireland
 - (c) when entering, passing through or leaving a lock chamber, not proceed until indicated by, where applicable, the traffic light signal showing green or permission is given by the Waterways Ireland operator and thereafter proceed with care and avoid striking any part of the lock gates
- (7) Where the passage of a craft through a lock is carried out manually by the master or crew of a craft, the master shall ensure that –
- (a) no attempt is made to open or close the gates of any lock between sunset and sunrise without the permission of Waterways Ireland
 - (b) no attempt is made to open or close the gates of any lock other than by means provided for that purpose

- (c) no attempt is made to open or close the gates of any lock before the water on either side of such gates is level
- (d) no attempt is made to fill or empty or cause the filling or emptying of a lock when there is another craft approaching, within sight of and a reasonable distance of the lock from the opposite direction to the craft under his or her control and where the level of the water in the lock is suitable for the approaching craft to enter the lock
- (e) no attempt is made to navigate the said craft singly through any lock when there is another craft approaching, within sight and reasonable distance from the same direction as the craft under his or her control and which is capable of being accommodated in the lock at the same time
- (f) no attempt is made to operate any sluice until the lock gates are closed
- (g) when entering, passing through or leaving a lock chamber, the craft shall not proceed until indicated by, where applicable, the traffic light signal showing green and thereafter proceed with care and avoid striking any part of the lock gates
- (8) Where the passage of a craft through a lock is carried out electro-mechanically by the master or crew of a craft, the master shall ensure that -
 - (a) the instructions on the lock control console are fully complied with
 - (b) no attempt is made to navigate the said craft singly through any lock when there is another craft approaching, within sight and reasonable distance from the same direction as the craft under his or her control and which is capable of being accommodated in the lock at the same time
 - (c) when entering, passing through or leaving a lock chamber, the craft shall not proceed until indicated by, where applicable, the traffic light signal showing green and thereafter proceed with care and avoid striking any part of the lock gates
- (9) Whenever Waterways Ireland considers it necessary to do so, in an emergency, for the purpose of carrying out repairs or maintenance or to facilitate water-based events, it may impose such restrictions or prohibitions in relation to the use of or passage through a lock or other parts of the navigation as it deems necessary, and any such restrictions or prohibitions shall be complied with

Movable bridges

- 15.** (1) The master of a craft shall not navigate the said craft to approach within 50 metres of a movable bridge for the purpose of passage through unless, where applicable, the traffic light signal is showing green or the movable bridge is cleared or prepared for such passage or the approach is for the purpose of reaching a waiting mooring
- (2) Where the passage of a craft through a movable bridge is Waterways Ireland operator assisted, the master of the craft shall -
- (a) comply with all reasonable instructions and directions by the said operator in making the passage
 - (b) when entering, passing through or leaving a movable bridge, not proceed until indicated by, where applicable, the traffic light signal showing green or permission is given by the Waterways Ireland operator and thereafter proceed with care and avoid striking any part of the movable bridge
- (3)(a) The master of a craft intending to pass through any movable bridge which is not Waterways Ireland operator assisted, for that purpose shall close or cause to be closed any protection gate or other barrier provided for the safety of others before the bridge is moved from the closed position and shall, unless there is another craft within 200 metres of such bridge and intending to pass the same, close or cause to be closed the bridge

immediately the craft has passed the same and open or cause to be opened such protection gate or other barrier immediately after the bridge is closed

(b) When entering, passing through or leaving a movable bridge pursuant to sub-paragraph (a), the master of a craft shall not proceed until indicated by, where applicable, the traffic light signal showing green and thereafter proceed with care and avoid striking any part of the movable bridge

(4) A person shall not go onto or remain upon or drive or bring a vehicle or other thing or an animal onto or allow it to remain upon a movable bridge after warning is given that the bridge is about to be opened, or at any time after such warning, and before the closure of the bridge immediately following such opening

(5) Whenever Waterways Ireland considers it necessary to do so, in an emergency or for the purpose of carrying out repairs or maintenance, it may impose such restrictions or prohibitions in relation to the use of or passage through a bridge or other structure in the navigation as it deems necessary, and any such restrictions or prohibitions shall be complied with

Dry docks

16. (1)(a) No owner, master or person shall navigate, or cause to be navigated, a craft into a Waterways Ireland dry dock without the written permission of Waterways Ireland

(b) Subject to sub-paragraph (a) the master of a craft shall not navigate the said craft to approach a Waterways Ireland dry dock for the purpose of docking the craft unless, where applicable, the traffic light signal is showing green or the dry dock is cleared or prepared for such docking

2(a) The owner of any craft docking in a Waterways Ireland dry dock shall fully and effectually indemnify, and keep indemnified at all times, Waterways Ireland, its servants and or agents against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and howsoever arising in connection with any personal injury (fatal or otherwise), loss or damage howsoever sustained or caused to any person or property, as a direct or indirect consequence of the owners use of the dry dock

(b) Waterways Ireland may at its absolute discretion ensure that any damage pursuant to sub-paragraph (a) is reinstated and made good and all the costs and expenses incurred by Waterways Ireland in doing so, shall be paid by the owner of the craft to Waterways Ireland on request

(c) The owner of any craft docking in a Waterways Ireland dry dock shall ensure that he or she, or his or her agents or servants, are in full compliance with current health and safety requirements as laid down by the appropriate statutory authority, while working on the craft

(d) The master of a craft shall prior to dry docking in a Waterways Ireland dry dock, comply with the requirements of the General Regulations relating to the use of the dry dock as set out in the Dry Dock Application Form, and the master shall furnish Waterways Ireland with any and all particulars that are requested

(3)(a) An application to dry dock a craft shall be made in writing to Waterways Ireland at the address as appropriate in Appendix 1 and shall be in such form as Waterways Ireland may specify or in a form to the like effect, and shall include the expected date and time of the craft's arrival at, and departure from, the dry dock

(b) An application, pursuant to sub-paragraph (a), shall be made by the owner of the craft to Waterways Ireland not less than three weeks in advance of the proposed docking date

(c) A charge of the amount specified in Table 3 of the schedule of charges to these Bye-laws shall be levied on and paid by the owner or master of a vessel or personal water craft in respect of the use of a Waterways Ireland dry dock

(4) Waterways Ireland may, at its discretion, refuse entry by any craft into one or any of its dry docks

Public moorings

17. (1)(a) The master of a craft which is using, arriving at or leaving a public mooring shall, when and if required, comply with any reasonable direction of an Authorised Officer of Waterways Ireland in relation to the movement, berthing, mooring, disposition, loading or unloading of the craft

(b) The master of a craft arriving at a public mooring shall have precedence for berths in the order of his or her arrival at the public mooring

(2)(a) The master of a craft shall not berth the said craft at the same public mooring, or within 3 kilometres of that location, for more than three consecutive days, or a total of five days in any calendar month, without the prior written permission of Waterways Ireland

(b) The master of a craft shall not berth the said craft at the same public mooring, or within 3 kilometres of that location, for more than a total of five days in any calendar month, between the 1st day of November in any year and the 31st day of March of the following year, without the prior written permission of Waterways Ireland and the payment of a mooring charge, as set out in Table 4 in the schedule of charges to these Bye-laws

(3)(a) Where it is indicated by Waterways Ireland by a notice posted at a berth at a public mooring that the berth is reserved at specified times on specified days for the use of a passenger vessel, a craft (other than a passenger vessel embarking or disembarking passengers at the berth) shall not berth at or remain at the berth at the specified times on the specified days

(b) A charge may be levied on and paid by the owner or master of the passenger vessel to Waterways Ireland in respect of berthing at a public mooring at specified times on specified days pursuant to sub-paragraph (a)

(4) Waterways Ireland may reserve or designate, for its own purpose, a berth or berths at a public mooring as it deems necessary, at any time, to facilitate the management and maintenance of the navigation and the master of a craft shall not berth at or remain at the berth or berths at such time

(5) No person shall obstruct or interfere with the safe navigation of craft arriving at or leaving a public mooring

(6) Priority at any recognised public mooring shall be given to the masters of craft wishing to berth over the interests of other recreational users, unless by prior agreement with Waterways Ireland

In the navigation

18. (1) The master of a craft or any other person shall not moor a craft without the permission of Waterways Ireland –

(a) at any buoy, beacon, perch, pile or other thing marking the navigation channel

(b) within 50 metres of any lock, sluice, weir, barrage, fish-pass, crane or bridge other than at a public mooring

- (c) alongside any other craft in the navigation unless there remains sufficient space for other craft to pass safely at the same time
- (d) so as to obstruct or be likely to obstruct the passage of, or likely to be a danger to, another craft or to cause or be likely to cause injury or damage to persons or property
- (e) at any part of the navigation where public mooring is prohibited
- (f) at or near access to facilities provided for pumping out the waste holding tanks of vessels or boats, save as to use the said facilities
- (g) at or near access to facilities designated for other water recreational pursuits
- (2) The master of a craft or any other person shall not affix any mooring rope to any sluice, lock gate, bridge or any other part of the works or any other property of Waterways Ireland not provided for the purpose of public mooring
- (3) No person shall set adrift or damage any craft in the navigation
- (4) No person shall place a swinging mooring in any part of the navigation without the written permission of Waterways Ireland
- (5) Waterways Ireland may –
 - (a) at any time and without prior notice, in the case of emergency or for reasons of safety, temporarily prohibit or restrict access of craft or vehicles or pedestrians to any part or parts of the navigation, property or towpath
 - (b) for reasons of scheduled work or maintenance, temporarily prohibit or restrict access of craft or vehicles or pedestrians to any part or parts of the navigation, property or towpath
- (6)(a) Where Waterways Ireland imposes a prohibition or restriction pursuant to paragraph (5) it shall post, and maintain for the duration of the prohibition or restriction, notices at or near the place or places affected indicating the prohibition or restriction and the place or places to which it relates
- (b) Where Waterways Ireland imposes a prohibition or restriction pursuant to sub-paragraph (5)(b) of this Bye-law it shall for such a period as shall be specified in a notice inserted in at least one local newspaper circulating in the locality of the proposed prohibition

Speed restrictions

- 19.** (1) The master of a craft shall not navigate, or cause to be navigated, the said craft at a speed in excess of 3 knots (6 km/h) when within 100 metres of a bridge, aqueduct, public mooring or lock or when in a canal or passing within 100 metres of a vessel or boat at anchor or moored, unless agreed with or designated by Waterways Ireland
- (2)(a) Waterways Ireland may at any time designate a maximum allowable speed limit for craft using any part of the navigation, other than those referred to in paragraph (1), as appropriate, for the safe and orderly management and maintenance of the navigation
- (b) Waterways Ireland shall place newspaper advertisements, and erect and maintain notices giving details of planned speed limits pursuant to paragraph (2) in conspicuous places on or near that or those parts of the navigation concerned
- (c) Objections to planned speed limits pursuant to sub-paragraph (b) must be submitted to Waterways Ireland within 28 days of public notification
- (d) Waterways Ireland shall consider any submissions made to it under sub-paragraph (c) and subject to its discretion, shall erect and maintain signs on the navigation advising the owners and masters of a speed limit(s) that exist for that part of the navigation and such signs shall be so positioned and of such size to be visible and legible in the vicinity

(e) The master of a craft shall not navigate, or cause to be navigated, the said craft at a speed in excess of a designated speed limit(s) pursuant to sub-paragraph (d)

(3)(a) The master of a craft shall not navigate, or cause to be navigated, the said craft at such speed or in such a manner as to cause, or be likely to cause, nuisance, injury to persons or another craft or any part of the navigation works or any other property or the natural environment

(b) The master of a craft shall not navigate, or cause to be navigated, the said craft at such speed or in such a manner as to create a wash as to cause, or be likely to cause, nuisance, injury to persons or another craft or any part of the navigation works or any other property or the natural environment

(4) The master of a craft approaching or being near any place where dredging, piling, diving, salvaging or any such works are in progress shall reduce speed and navigate in such a manner not to imperil the safety of any person or cause damage to any mechanical plant or to any such work and shall take heed of all such navigation and safety signs as may be erected at such work

Zoning

20. (1) Waterways Ireland may restrict or prohibit, in the navigation or in any part of the navigation, the operation generally, or for any particular purpose, of craft, or specified types of craft, in such places or at such times (if any) or for such periods (if any) in the interests of safety and to prevent nuisance, injury to persons or other craft or any part of the navigation works or any other property or the natural environment

(2)(a) Waterways Ireland shall place newspaper advertisements, and erect and maintain notices giving details of a planned restriction or prohibition pursuant to paragraph (1) in conspicuous places on or near that or those parts of the navigation concerned

(b) Objections to planned restrictions or prohibitions pursuant to sub-paragraph (a) must be submitted to Waterways Ireland within 28 days of public notification

(3) Waterways Ireland shall consider any submissions made to it under paragraph (2)(b) and subject to its discretion, shall erect and maintain signs on the navigation advising the owners and masters of craft that a zone(s) exist for that part of the navigation and such signs shall be so positioned and of such size to be visible and legible in the vicinity

(4) The master of any craft, or type of craft, specified in the restriction or prohibition shall not navigate, or cause to be navigated, the said craft, or type of craft, in that part of the navigation pursuant to paragraphs (1) and (3)

Commercial operations

21. (1)(a) A person, company, club, association or any organisation shall not carry on any trade or business in the navigation, towpath or property of Waterways Ireland without the written permission of Waterways Ireland

(b) Appropriate conditions may be imposed by Waterways Ireland in respect of the permission pursuant to sub-paragraph (a)

(c) A charge may be levied on and paid by the person, company, club, association or any organisation to Waterways Ireland in respect of the permission pursuant to sub-paragraph (a)

Grounding of craft

22. (1) The master of a craft which has gone aground or sunk must report accidents, including major injuries, as soon as possible, informing both Waterways Ireland and the

relevant marine investigation authority, as appropriate, of the occurrence and take such steps as may be necessary to re-float the craft or remove it from the navigation

(2) The master of a craft which has sunk shall mark the place of the sinking with a marker or buoy and shall maintain the marker or buoy at the place until the craft has been raised or until notified by Waterways Ireland that re-floating is not required

(3) No person shall negligently cause any craft to run aground or sink in the navigation

(4) The master of a craft on which a fire or explosion has occurred shall, as soon as may be, inform Waterways Ireland of the occurrence and take such steps as may be necessary to prevent any consequent injury or damage to persons or property

Vehicles and temporary structures

23. (1) A person shall not park a vehicle on Waterways Ireland's property or towpath in such a place or manner as to cause or be likely to cause danger, injury, loss or damage or to cause or be likely to cause an obstruction in, or interference with, the use of the navigation, property or towpath

(2)(a) A person shall not park a vehicle, pitch a tent or place any other temporary structure on Waterways Ireland's property or towpath without the written permission of Waterways Ireland, except where there is space designated for the specific purpose, as appropriate

(b) Waterways Ireland shall erect and maintain notices giving details of permission or permissions pursuant to sub-paragraph (a) in conspicuous places on or near that or those parts of the navigation concerned

(3) A person shall not wash a vehicle, object or thing (other than a vessel or boat) in the navigation or on any property or towpath without the written permission of Waterways Ireland

(4) The driver of a vehicle shall not drive, or cause to be driven the said vehicle on Waterways Ireland's property at such speed or in such a manner as to cause, or be likely to cause nuisance and or injury to persons, or damage to other vehicles or Waterways Ireland's property

(5) Waterways Ireland may prohibit the passage of certain classes of vehicles on the towpath or other property under its ownership

Houseboats

24. (1) The master of a houseboat shall not moor the houseboat at any location for any period in contravention of these Bye-laws unless the location is a designated houseboat location, and a berthing licence has been obtained from Waterways Ireland

(2)(a) Waterways Ireland shall determine the number of berths at each houseboat location pursuant to paragraph (1) and shall issue to the owner of a houseboat a Berthing Licence for an identified location which shall be a legal agreement between Waterways Ireland and the owner

(b) No houseboat owner shall assign, transfer or sub-let a Waterways Ireland Berthing Licence

(3)(a) A charge, reflecting the geographic location, size of houseboat, services provided and any other criterion deemed appropriate by Waterways Ireland, as may be, shall be levied on and paid by the owner of a houseboat in respect of a Berthing Licence issued by Waterways Ireland

(b) Non-payment of a Houseboat Berthing licence fee will invalidate the licence

(4) The owner of a houseboat issued with a Berthing Licence under this Bye-law shall ensure that the houseboat is seaworthy, self-propelled, capable of being navigated and shall be registered in accordance with these Bye-laws

(5) An application for a Berthing Licence, pursuant to this Bye-law, shall be made in writing to Waterways Ireland at the address as appropriate in Appendix 1, and shall be in such form as Waterways Ireland may specify or in a form to the like effect

(6) Waterways Ireland may remove any Houseboat in accordance with Bye-laws 30 and 31

Placing of objects

25. (1)(a) Subject to Bye-law 22 paragraph (2) a person shall not place or erect on any part of the navigation, towpath or property any object or thing whatsoever without the written permission of Waterways Ireland

(b) Waterways Ireland may remove any object or thing placed in the navigation, towpath or property in accordance with Bye-laws 30 and 31

Encroachment

26. (1)(a) No person or company shall construct a jetty, harbour, building or any other physical works in the navigation, towpath or property without the prior written permission of Waterways Ireland

(2)(a) Waterways Ireland may enter a legally binding agreement with a person or company authorising the construction of a jetty, harbour, building or other physical works on its property in the navigation

(b) An agreement under sub-paragraph (a) shall be subject to such conditions as Waterways Ireland may impose at the time of entering into the agreement, or subsequently, and specify in the agreement or in a notice given to the person or company at the time of the imposition of the conditions

(c) The person or company entering a legally binding agreement under this paragraph shall comply with all conditions contained in the agreement and Waterways Ireland may revoke an agreement under this paragraph if the said person or company does not comply with a condition or conditions of the agreement

(d) Waterways Ireland may refuse to grant prior written permission pursuant to sub-paragraph (a) if it considers that such permission would, or might, hamper or restrict the reasonable use of the navigation by craft

Water abstraction

27. (1) No person, company or any organisation may abstract water from, or discharge water into, as may be, the navigation without the written permission of Waterways Ireland

(2) Waterways Ireland may enter a legally binding agreement with a person or company authorising

(a) the abstraction of water from the navigation or navigation channels under its ownership

(b) the discharge of water into the navigation or navigation channels under its ownership

(3) an agreement under this Bye-law shall be subject to such conditions as Waterways Ireland may impose at the time of entering into the agreement, or subsequently, and specify in the agreement or in a notice given to the person or company at the time of the imposition of the conditions and, without prejudice to the generality of the foregoing,

conditions under this Bye-law may specify the maximum amount which may be abstracted or, as the case may be, discharged pursuant to the agreement and the days, or the times during the day or during specified days on which water may be abstracted or, as may be, discharged pursuant to the agreement

(4) The person or company entering a legally binding agreement under this Bye-law shall comply with all conditions contained in the agreement and Waterways Ireland may revoke an agreement under this Bye-law if the said person or company does not comply with a condition or conditions of the agreement

(5) Waterways Ireland may refuse to enter an agreement authorising the abstraction of water from the navigation if it considers that the abstraction of water or of the quantity of water to which the agreement would relate will, or might, hamper or restrict the reasonable use of the navigation by craft

Miscellaneous prohibitions

28. (1) Except with the prior permission of Waterways Ireland, a person shall not –

(a) use, or cause or permit to be used, any craft for the purposes of parascending in the navigation

(b) navigate, or cause or permit to be navigated, any seaplane or air cushion vessel on the waters of any canal, river or lake in the navigation

(c) navigate, or cause or permit to be navigated, any personal watercraft or fast power craft on the waters of any canal

(2) Except with the written permission of Waterways Ireland, a person shall not –

(a) bathe or swim in a lock or within 100 metres of a lock, bridge, sluice barrage or weir in the navigation

(b) bathe or swim in or within 100 metres of a harbour, dock or aqueduct or the approaches to a public mooring or aqueduct in the navigation

(c) destroy, damage, cut or remove any tree, shrub or plant on the navigation

(d) remove any sand, gravel or other material from any part of the navigation, property or towpath

(e) interfere with or remove a gate or fence or part of a fence on any part of the navigation, property or towpath

(f) erect any advertising sign or hoarding on any part of the navigation, property or towpath

(g) place fishing equipment such as nets, long lines or fish traps in or near the navigation channel

(h) remove, destroy or damage any nest on the navigation or destroy or damage the breeding places of animals on the navigation

(3) A person shall not –

(a) deposit or leave litter or offensive matter on the navigation, property or towpath other than in receptacles provided for that purpose

(b) light any fires or barbecues which may endanger or damage any part of the navigation, property or towpath or cause nuisance or danger to others

(c) destroy, damage, deface or remove any object or thing in the navigation, property or towpath

(d) omit to close a gate on the navigation, property or towpath opened by him or her

(e) go aboard any craft on the navigation, property or towpath without the permission of the owner of the said craft, except as is necessary to moor one's own craft or to gain access to another craft, as in the case of an emergency

- (f) throw, shoot, or otherwise propel any stone, bullet or other missile or object from any part of the navigation, property or towpath or other property into, over or close to any person or craft in any part of the navigation, property or towpath
- (g) use or engage in any threatening, abusive or insulting words or behaviour against others in the navigation, property or towpath
- (4) Except in accordance with a formal licence agreement issued by Waterways Ireland pursuant to Article 26, a person shall not –
 - (a) extract water from the navigation (other than for the purpose of cooling the engine of or use on craft)
 - (b) discharge any effluent or water into the navigation (other than water used for the purpose of cooling the engines of craft or from the bilges of the craft)
 - (c) discharge any surface water from adjacent lands into the navigation

Animals on the navigation, towpath or property

- 29.** (1) A person shall not, without the written permission of Waterways Ireland
- (a) wash an animal in the navigation or on any property or towpath
 - (b) ride, walk or exercise a horse on the towpath or property
 - (c) turn an animal loose in, or permit an animal to stray onto, or permit an animal to cause damage to the navigation, towpath or property
 - (d) deposit a dead animal on the navigation, towpath or property
- (2) (a) An animal on the navigation, towpath or property in contravention of this Bye-law may be removed and impounded or disposed of, as may be, by or on the authority of Waterways Ireland
- (b) Waterways Ireland shall not be liable for any loss in respect of any damage caused or loss of earnings suffered by any owner or other person during the removal, storage or disposal of an animal, where such damage is caused by or in the course of such removal, and not caused by negligence on the part of Waterways Ireland or its servants or agents

Removal and disposal of objects or substances

- 30.** (1) Waterways Ireland may remove and store any craft, substance, thing or object in the navigation (in this referred to as object) –
- (a) that interferes with the safe and orderly use and enjoyment of the navigation, towpath or property
 - (b) that contravenes, or is used for the purposes of a contravention of, a provision of this Order
 - (c) from, or by means of which, offensive or polluting matter is discharged into the navigation, towpath or property
 - (d) that appears to Waterways Ireland to be abandoned and the owner of which, after reasonable enquiries, is not known or cannot be located by Waterways Ireland
- (2) (a) Where the master of a craft, seaplane or air cushion vessel or the owner of a vehicle, tent, temporary structure, unauthorised buoy, marker, perch, mooring, mooring post, thing or object is in contravention of this Order, the said craft, seaplane, air cushion vessel, vehicle, tent, temporary structure, unauthorised buoy, marker, perch, mooring, mooring post, thing or object may be removed and stored by Waterways Ireland until such time as it is removed from such storage by its owner or master
- (b) Subparagraph (a) shall not apply where Waterways Ireland has formed the opinion that to remove and store a craft, substance, thing or object in the navigation would either be hazardous, inappropriate because of its size, or by reason of the excessive cost of

removal and or of storage, and that removal and or disposal is considered the most appropriate option

(3) Waterways Ireland may remove and or dispose of any craft, substance, thing or object in the navigation in such manner as Waterways Ireland considers most appropriate and shall include, but shall not be limited to, breaking up the craft, substance, thing or object and disposing of the broken up parts

(4) Waterways Ireland shall not be liable for any loss in respect of any damage caused or loss of earnings suffered by any owner, master or other person during the removal, storage and or disposal of a craft, seaplane, air cushion vessel, vehicle, tent, temporary structure, unauthorised buoy, marker, perch, mooring, mooring post, thing or object pursuant to this Article, where such damage is caused by or in the course of such removal, storage and or disposal, and not caused by negligence on the part of Waterways Ireland or its servants or agents

Removal and disposal procedures

31. (1) (a) Where it is proposed, pursuant to this Order, to remove and store a craft, seaplane, air cushion vessel, vehicle, tent, animal or unauthorised buoy, marker, perch, mooring, mooring post or any other thing or object (in this referred to as object), Waterways Ireland shall serve a notice on the owner indicating that, if the object is not removed by the owner within 14 days of the date of issue of the notice to the owner, Waterways Ireland may remove the object and store it at a place specified in the notice until such time as it is removed by the owner from such storage

(b) Where it is proposed pursuant to this Order, to remove and or dispose of a craft, seaplane, air cushion vessel, vehicle, tent, animal or unauthorised buoy, marker, perch, mooring, mooring post or any other thing or object (in this referred to as object), Waterways Ireland shall serve a notice on the owner indicating Waterways Ireland intentions in relation to the removal and or disposal of the object, and the owner shall be given 14 days from the date of issue of the notice to obtain advance approval from Waterways Ireland to remove the object

(c) Sub-paragraphs (a) and (b) shall not apply in a case in which –

(i) there is a danger to the welfare, health and safety of any person or there is a danger to property

(ii) the owner of the object, after reasonable enquiries, is not known or cannot be found by Waterways Ireland

(iii) the object concerned is causing, or is likely to cause, an obstruction or nuisance on the navigation, towpath or property

(2) Where an object is removed and stored or removed and or disposed of pursuant to this Order, an amount equal to the cost of such removal, storage and or disposal, together with an amount equal to the cost of the re-instatement of any damage caused by the object in the navigation, towpath or property, shall be paid to Waterways Ireland by the owner of the object and may be recovered by Waterways Ireland from the owner as a simple contract debt in any court of competent jurisdiction

(3) (a) Subject to sub-paragraph (b), Waterways Ireland may sell an object which it has removed and stored or removed and or disposed of pursuant to this Order, and shall retain out of the proceeds of the sale so much of the amount required by paragraph (2) to be paid to it in respect of the object as has not been paid to it, and shall pay the remainder, if any, of the proceeds to the owner, or if the owner, after reasonable enquiries, is not

known to, or cannot be found by Waterways Ireland, shall retain the remainder for the owner

(b) Subject to sub-paragraph (c), where Waterways Ireland proposes to sell an object it has removed and stored, it shall serve a notice on the owner indicating that, if the object is not recovered from Waterways Ireland storage by the owner and any amount due to Waterways Ireland in respect of paragraph (2) is not paid to it by the owner within 42 days of the date of the notice, Waterways Ireland shall sell the object

(c) Sub-paragraph (b) shall not apply when –

(i) the owner of the object, after reasonable enquiries, is not known to or cannot be found by Waterways Ireland

(ii) the value of the object concerned is, in the opinion of Waterways Ireland, less than €500.

Events

32. (1) No person, club, school or other organisation shall hold any event on the navigation, towpath or property without the written permission of Waterways Ireland

(2) In this Bye-law, where a club, school or organisation intends to hold an event, the organiser means the secretary or administrative officer of such a club, school or organisation

(3) The organiser of a proposed event on the navigation, towpath or property shall, not less than three weeks in advance of the event, apply in writing to Waterways Ireland for permission to hold such an event, giving adequate details regarding location, date, timing and type of event proposed

(4) An application for permission to hold an event on the navigation, towpath or property shall be made in writing to Waterways Ireland at the address in Appendix 1, as appropriate, and shall be in such a form as Waterways Ireland may specify or in a form to the like effect

(5) Waterways Ireland may impose any condition, or conditions, it deems appropriate and may require modifications in the timing or location in relation to any event having regard to the proper and safe management of the navigation, towpath or property

(6) The organiser of any event, in respect of which Waterways Ireland permission is sought, shall –

(a) ensure that third party liability insurance cover is arranged for the event in a sum of not less than that deemed necessary by Waterways Ireland for the scale of the event

(b) submit proof of such insurance not less than three days prior to the commencement of the event

(c) fully and effectually indemnify and keep indemnified at all times, Waterways Ireland, its servants and or agents against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and howsoever arising in connection with any personal injury (fatal or otherwise), loss or damage, howsoever sustained or caused to any person or property. The indemnity shall include any necessary withdrawal of permission by Waterways Ireland for use of the navigation, towpath or property for the event, for whatsoever reason, at Waterways Ireland's discretion

(7) Bye-law 19 shall not apply to craft taking part in an event at locations covered by speed restrictions, where the event involves speeds in excess of the designated speed limit for the location and the event has been approved by Waterways Ireland

(8) On the occasion of any event permitted by Waterways Ireland, no master shall permit any vessel to pass or be stationed thereon so as to obstruct, impede or otherwise interfere

with the event, or to endanger the safety of persons assembling at or on the navigation, towpath or property, or to prevent or interfere with the maintenance of order

Fishing

33. (1) A person shall not remove any fish from any waters in the navigations listed in Appendix 4 without the written permission of Waterways Ireland, and in accordance with its Catch and Release policy

Construction of vessels

34. (1) This Bye-law applies to craft built prior to the introduction of the European Communities (Recreational Craft) Regulations, 1998 (S.I. No. 40/1998)

(2)(a) This paragraph applies to vessels and boats fitted with inboard engines

(b) Fuel tanks shall be fitted with a filling pipe made of metal or flexible hose of non-perishable and non-kinking material and have a bore of not less than 36 millimetres connected by means of leak proof joints with the tank, and closed (where practicable) by means of a screw cap or plate on the deck

(c) If the fuel tank has a capacity of more than 4.5 litres or has a filling pipe that is not straight, a vent pipe with a bore of not less than 6 millimetres shall be fitted to the tank and shall be extended to the air outside

(d) The fuel tank shall —

(i) be made of a suitable non-corrosive material other than glass fibre and uncoated steel, provided however that diesel tanks are made of glass fibre from self-quenching resins or of uncoated steel

(ii) be drained only by means of a screw plug

(iii) be readily accessible for inspection, and all the connections to the fuel tank shall be readily accessible for inspection

(iv) be fitted with an anti flash gauze at vent opening

(e) Fuel feed lines shall consist of pipes of softened copper, stainless steel, aluminum alloy or, in the case of diesel lines, mild steel of suitable size, fixed clear of exhaust systems and heating apparatus and supported to minimize vibration; flexible tubing shall be used only in the engine compartment

(f) A shut-off valve shall be fitted in the fuel feed line as near as possible to the tank in a position where it is visible and can be easily operated

(g) Exhaust noise shall be effectively suppressed, the cylinders and exhaust pipe of the engine shall be effectively cooled and, if the engine is air cooled or water is not passed through the exhaust pipe, the exhaust pipe shall be effectively lagged. Exhaust pipes must not pass through un-ventilated compartments

(h) A battery in a vessel or boat shall be installed—

(i) in a ventilated compartment in such manner as to prevent accidental movement or damage to the battery and be ventilated to the atmosphere

(ii) as far away as is practicable from any fuel shut-off valve, fuel tank or fuel filter

(i) Electric leads in a vessel or boat shall be properly supported and insulated and installed clear of any fuel, gas or exhaust pipe

(j) Subject to sub-paragraph (k)

(i) an oil tight tray made of metal or of another suitable material shall be fitted under the engine, gearbox and propeller shaft of a vessel or boat, or

(ii) if compliance with clause (i) of this sub-paragraph is not practicable, other steps shall be taken, so as to prevent oil from the engine escaping into any other part of the vessel or

boat

(k) Sub-paragraph (j) does not apply in relation to a vessel or boat whose hull is made of metal or glass fibre and which is fitted with oil tight bulkheads or frames fore and aft of the engine

(3)(a) This paragraph applies to vessels and boats fitted with an outboard engine or an "Z" drive propulsion unit

(b) The fuel tank shall comply with sub-paragraph (d) of paragraph 2

(c) If the fuel tank is separated from the engine and is connected to it by flexible piping, modifications shall not be made to the tank or piping unless they accord with the recommendations of the supplier or manufacturer and the tank shall be filled only when it has been removed from the vessel or boat

(d) If fuel is supplied to the engine by means of a gravity feed system, a fuel shut off valve shall be fitted between the feed pipe and the fuel tank

(e) Exhaust noise of the engine of a vessel or boat shall be effectively silenced

(f) Electric leads of the engine of a vessel or boat shall be insulated and maintained in good order

(4)(a) Installation and use of liquid petroleum gas systems on a vessel or boat shall comply with Department for Transport Marine Notice No. 1 of 2002

(b) A container for liquid petroleum gas shall

(i) be installed in an upright position, with the valve uppermost away from any cooking or heating appliance, and

(ii) be secured on deck away from hatches and other openings so that any gas that escapes is dispersed in the air outside and does not enter the vessel or boat, or

(iii) be placed in a ventilated housing used only for that purpose, situated above the waterline deep enough to cover the cylinder valve and regulator, and fitted at the bottom of the housing with a vent pipe through which any gas that escapes from the container is dispersed in the air outside the vessel or boat

5(a) Domestic cooking or heating appliances shall not be placed or used close to fuel containers or engines. Woodwork and other combustible materials adjacent to such an appliance shall be suitably insulated or treated with fire retardant materials against excess heat and the flues of such appliances shall be effectively insulated where necessary

(b) A compartment on a vessel containing cooking or heating appliances shall be permanently ventilated by a vent or pipe leading directly to the air outside the vessel

(c) Fires, cookers and other such appliances with naked lights or flames on a vessel or boat shall be turned off or extinguished while the vessel or boat is being fuelled

(d) Pilot lights and burners on gas or paraffin refrigerators installed in petrol engined vessels shall be completely enclosed and air for combustion shall be piped to the appliance from—

(i) outside the vessel, or

(ii) from a point inside the vessel above the level of ports, windows or other means of ventilation in the compartment in which the appliance is installed

(e) Water heaters on a vessel shall be installed as close to the deck head as practicable but adequate ventilation shall be allowed for their flue outlets

(6) A toilet fitted to a vessel shall be so constructed and fitted as to prevent polluting matter from being discharged or passing into the navigation

Conditions of permissions

35. Waterways Ireland may give permissions under these Bye-laws subject to such condition or conditions as it considers necessary and specify to the person concerned; and the person concerned shall comply with any such condition or conditions

Notices

36. (1) A notice under these Bye-laws may be served by Waterways Ireland on a person by ordinary post to the address at which he or she ordinarily resides or works
(2) If the person has not responded, as requested, to a notice issued by Waterways Ireland pursuant to paragraph (1) within 14 days, then a reminder notice may be served
(3) If the person has not responded, as requested, to a reminder notice issued by Waterways Ireland pursuant to paragraph (1) within a further 14 days, the final notice may be served by registered post to the address at which he or she ordinarily resides or works
(4) If a person fails to respond to a notice issued under these Bye-laws, Waterways Ireland may institute whatever legal proceedings it considers necessary

Charges

37. (1) A charge of the amount specified in Table 1 shall be levied and paid by the owner or master of a craft to Waterways Ireland in respect of registration of a vessel or personal water craft
(2) A charge of the amount specified in Table 2 shall be levied and paid by the owner or master of a craft to Waterways Ireland in respect of a permit purchased for a craft making lock passages
(3) A charge of the amount specified in Table 3 shall be levied and paid by the owner or master of a craft to Waterways Ireland in respect of the occupation of dry docks as specified
(4) A charge of the amount specified in Table 4 shall be levied and paid by the owner or master of a craft to Waterways Ireland in respect of craft moored at a public mooring for more than 5 days in a calendar month, between the 1st day of November in any year and the 31st day of March in the following year
(5) A charge of the amount specified in Table 5 shall be levied and paid by the owner or master of a craft to Waterways Ireland in respect of the passage specified
(6) A charge of the amount specified in Table 6 shall be levied and paid by the owner or master of a craft to Waterways Ireland in respect of service facilities provided to craft and persons on board craft

Penalties

38. (1) Where an Authorised Officer of Waterways Ireland has reasonable grounds for believing that a person is committing or has committed an offence in relation to a Bye-law, paragraph of a Bye-law, or sub-paragraph or a Bye-law listed in Table 7 to these Bye-laws, the Authorised Officer may serve the person with a Fixed Payment Notice, in the prescribed form stating that
(a) the person is alleged to have contravened the Bye-laws
(b) the person may, during the period of 21 days beginning on the date of the notice, make to Waterways Ireland at the address specified in the notice, a payment of €150 for a contravention of a Bye-law listed in Table 7 to these Bye-laws or such other amount that,

for the time being, stands prescribed, in lieu of any of those amounts, and accompanied by the notice

(2) A prosecution in respect of the alleged offence pursuant to paragraph 1, shall not be instituted in the period specified in the notice, and if the payment specified is made during that period, no prosecution in respect of the alleged offence shall be instituted

(3) A person who without reasonable cause fails to comply with, or is in contravention of, the Bye-laws, paragraphs of the Bye-laws or sub-paragraphs of the Bye-laws, shall be guilty of an offence under these Bye-laws, and shall be liable on summary conviction to a fine not exceeding €5,000

Complaints and appeals

39. (1) Complaints associated with these Bye-laws can be submitted to Waterways Ireland in accordance with its complaints procedure by contacting the Customer Services Co-ordinator at the address detailed in Appendix 4

(2) A person may challenge Waterways Ireland's decisions through the District County Court (whose decision in relation to the appeal shall be final) against -

(a) a decision by Waterways Ireland pursuant to paragraphs (4) or (5) of Bye-law 6 (Registration of craft)

(b) a decision by Waterways Ireland pursuant to paragraph 2(d) and (e) of Bye-law 19 (Speed restrictions)

(c) a decision by Waterways Ireland pursuant to paragraphs (1) (3) and (4) of Bye-law 20 (Zoning)

(d) a condition to which a permission referred to in Bye-law 24 (Houseboats) is made subject pursuant to that Bye-law, or

(e) a decision by Waterways Ireland to refuse to grant a person a licence under paragraph (3) of Bye-law 27 (Water abstraction) or to revoke a licence granted to a person under that Bye-law and, on the hearing of the appeal, the District Court may make such orders as they consider just

(3) An appeal under this Bye-law shall be initiated by a person by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him by issuing -

(a) a notice in writing to the clerk of the District Court for the court district in which the place to which the permission relates is situated in, or in which the extraction or discharge concerned occurs, or would occur, or in which the appellant ordinarily resides or carries on any profession, business or occupation, stating the intention of the person to appeal against the decision, and

(b) a copy of the notice to Waterways Ireland at 2 Sligo Road, Enniskillen, Co Fermanagh, BT74 7JY

(4) The jurisdiction conferred on the District Court by this Bye-law shall be exercised by the judge for the time being assigned to the court district in which the place to which the permission relates is situated, or in which the extraction or discharge concerned occurs or would occur, or in which the appellant concerned ordinarily resides or carries on any profession, business or occupation

Schedule 1 Charges

Table 1– Pursuant to sub-paragraphs 6(11)(a) and (b) and 37(1) of these Bye-laws

<i>Amount of Charge</i>	<i>Subject matter of charge</i>
€30.00	Registration of a vessel or personal water craft
€15.00	Renewal of registration of a vessel or personal water craft

Table 2 – Pursuant to paragraphs 7(6) and 37(2) of these Bye-laws

<i>Amount of Charge</i>	<i>Subject matter of charge</i>
€25.00	Permit fee per month for navigating on the Grand Canal, Royal Canal or Barrow Navigation
€250.00	Annual Permit fee for navigating on the Grand Canal, Royal Canal or Barrow Navigation

Table 3 – Pursuant to paragraphs 16(3)(c) and 37(3) of these Bye-laws

<i>Dry Dock Charge</i>	<i>Number of Days</i>	<i>Subject matter of charge</i>
€150.00	up to 3 Days	Fee for the occupation by a craft of a Waterways Ireland dry dock for a period not exceeding three days
€25.00	4-14 Days	Additional fee per day for the occupation by a craft of a Waterways Ireland dry dock for a period in excess of three days, and not exceeding fourteen days
€50.00	In excess of 14 Days	Additional fee per day for the occupation by a craft of a Waterways Ireland dry dock for a period in excess of fourteen days

Table 4 – Pursuant to sub-paragraphs 17(2)(b) and 37(4) of these Bye-laws

Amount of Charge *Subject matter of charge*

€25.00 per month	Moor a craft at a public mooring in the navigation for a period of more than 5 days in a calendar month between the 1 st day of November in any year and the 31 st day of March in the following year
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Table 5 – Pursuant to paragraph 37(5) of these Bye-laws

Amount of Charge *Subject matter of charge*

€1.50	Passage of a craft through a lock on the Shannon-Erne Waterway
€3.00	Passage of a craft through a lock or movable bridge on the Shannon Navigation including the Boylewater, Lough Allen Canal and River Suck Navigation
€1.50	Passage of a craft through a lock or movable bridge on the Grand Canal, Royal Canal and Barrow Navigation except for Camden Lock, Buckingham Lock and Spencer Dock Sea Lock
€25.00	Passage of a craft through Camden Lock, Buckingham Lock, Grand Canal Dock, Ringsend and Spencer Dock Sea Lock

Table 6 – Pursuant to paragraph 37(6) of these Bye-laws

Amount of Charge *Subject matter of charge*

€1.50	Use of electricity from Waterways Ireland Power Bollards (5 Kilowatt Hrs is the minimum electricity purchase)
€3.00	Use of pump-out facilities, the property of Waterways Ireland
€3.00	Use of chemical toilets (Elsan), the property of Waterways Ireland
€3.00	Use of showers, the property of Waterways Ireland
€7.50	Use of laundry washing machines, the property of Waterways Ireland
€7.50	Use of laundry drying machines, the property of Waterways Ireland

Schedule 2 Appendices

Appendix 1 – Addresses pursuant to sub-paragraphs 6(8)(c) and 16(3)(a), and paragraphs 24(5) and 32(4).

Office of the Inspectorate
Waterways Ireland
The Docks
Athlone
Co. Westmeath

(Relating to the Shannon Navigation
& Shannon-erne Waterway)

Office of the Inspectorate
Waterways Ireland
Canal Harbour
Tullamore
Co. Offaly

(Relating to the Grand Canal
Royal Canal and Barrow Navigation)

Appendix 2 – Navigation Criteria

This guide to available drafts is dependent on water levels

Navigation	Draft	Air Draft
Grand Canal	1.2m (1m in Dublin)	2.45m over a width of 3.0m Lowest bridge: Ringsend Railway Bridge
Royal Canal	1m	3.0m Lowest bridge: Liffey Junction Railway Bridge
Barrow Navigation	In summer as low as 0.76m	2.58m over a width of 2.4m Lowest bridge: Carlow Bridge.
Shannon Navigation	1.2m in Lough Allen 1.7m in remainder of Shannon Navigation 1.35m in locks	3.0m in Lough Allen Variable
Shannon-erne Waterway	1.2m	3.2m over a width of 3.0m

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Appendix 3 – Fisheries pursuant to Bye-law 33

Grand Canal
Royal Canal
Barrow Navigation
Shannon-Erne Waterway

Appendix 4 – Address pursuant to Bye-law 39

Customer Services Co-ordinator
Waterways Ireland
Somerview House
Old Dublin Road
Carrick on Shannon
Co Leitrim