

**WICKLOW PORT COMPANY**

**PORT OF WICKLOW**

**BYE-LAWS**

# WICKLOW HARBOUR BYE-LAWS

## **SECTION 1:**

### **ABSTRACT OF MAIN STATUTORY PROHIBITIONS**

## **SECTION 2:**

**HARBOUR BYE-LAWS MADE:  
AND AS AMENDED:  
BY WICKLOW PORT COMPANY**

## **STATUTORY PROHIBITIONS (ABSTRACT)**

**The following, inter alia, are prohibited and made offences by the Harbours Act, 1996, and persons so offending are liable on conviction to the penalties provided for by the Harbours Act 1996, Section 6, namely on summary conviction to a fine not exceeding €1,904 or imprisonment for a term not exceeding 12 months or both (Section 6(1)(a)) or on conviction on indictment, to a fine not exceeding €126,974 or imprisonment for a term not exceeding 2 years or both (Section 6(1)(b)).**

1. Evading or attempting to evade harbour charges. **Harbours Act, 1996, Section 13(6)**
2. Failure of the master of a vessel to comply with certain directions of the harbour master. **Harbours Act, 1996, Section 46**
3. Obstructing or impeding the harbour master in the exercise of his statutory powers. **Harbours Act, 1996, Section 50**
4. Breach of prohibition on bringing certain vessels, vehicles and articles within Harbour. **Harbours Act 1996, Section 52**
5. Interfering with anything placed in Harbour for purposes of safety **Harbours Act 1996, (Section 53)**

The following inter alia, are prohibited and made offences by the Harbours Act, 1996, and persons so offending are liable on conviction to the penalties provided for by the Harbours Act, 1996, Section 6(2), namely, on summary conviction to a fine not exceeding €1,904 or imprisonment for a term not exceeding 12 months or both.

1. Refusal or failure of a master of a vessel to furnish to the Port Company a certificate, notification, statement of or account pursuant to Section 13(2)(a) and Section 13(2)(b) of the Harbours Acts 1996. **Harbours Act 1996 Section 13(2).**
2. Contravention of provisions of Harbour Bye-Laws. **Harbour Acts 1996 Section 42.**

3. Refusal or Failure by the Master of a vessel to comply with a requirement of the harbour master Under Section 47 Harbours Act, 1996. **Harbours Act, 1996  
Section 47.**
4. Failure to furnish to the harbour master a statement of the draught of a vessel, failure of the master of a vessel to furnish the harbour master with a statement of the take of any cargo on board the vessel and the names and addresses of the person or persons entitled to take delivery thereof, or failure to bring to the notice of the harbour master any defects in, and any matter peculiar to, the vessel and its machinery and equipment of which the master knows and which might materially affect the navigation of the vessel or its ability to be manoeuvred. **Harbours Act, 1996  
Section 48.**
5. Failure of the master of a vessel to produce, on the request of the harbour master, for inspection by him, the documents kept in relation to the vessel and its goods including insurance documents, certificates of competency, manifests, bills of lading and other documents relating to goods on board the vessel. **Harbour Acts  
1996  
Section 49.**

## **WICKLOW PORT BYE-LAWS**

Wicklow Port Company, in exercise of the powers conferred on the Company by Section 42 of the Harbour Acts, 1996, hereby makes the following Bye-Laws with respect to the use of, and the safety of navigation within, its Harbour and generally with respect to the regulation of its Harbour and property.

The Port of Wicklow Bye-Laws given under the approval by the Minister for Transport and Power dated 2<sup>nd</sup> day of February, 1960 and subsequent amendments thereto, are hereby revoked

### **PRELIMINARY**

#### **1. Title and Commencement**

These Bye-Laws may be cited as the Wicklow Port Bye-Laws 2003, and shall come into force on the 8<sup>th</sup> day of April 2003

#### **2. Division into parts**

These Bye-Laws are divided into the following parts:

- Part I Interpretation
- Part 11 Navigation, Signals, Pollution and Wrecks .
- Part 111 Berths, Moorings.
- Part IV Cargo/Goods, Boats for hire, Boat storage.
- Part V Vehicular Traffic.
- Part VI Gardaí, Harbour Officials, Public Areas, Piers, Various Regulations.
- Part VII Penalties
- Part VIII Pilotage

#### **3. Application**

These Bye-Laws shall apply to all areas in the jurisdiction of the Port of Wicklow as defined by the **Harbour Acts, Third Schedule Part I**

# BYE-LAWS

**Made by the Wicklow Port Company pursuant to the provisions of the Harbour Act, 1996, relating to the regulation and management of the Port of Wicklow.**

## INTERPRETATION

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

Singular numbers and plural numbers	Words denoting the singular number only shall include the plural number also and vice versa.
Male/Female genders	Words denoting the masculine gender only shall include the feminine gender also, and the word “person” shall include a body corporate or local authority.
“the Company”	Wicklow Port Company.
“the Harbourmaster”	The person appointed by the Company as Harbourmaster, including members of the staff of the Company to whom the Harbourmaster delegates any of his functions under statute or under these Bye-Laws.
“Officials”	Designated persons of Wicklow Port Company.
“Harbour Limits”	As defined in the Harbour Acts 1996,(Third Schedule)Part 1, paragraph 12.
“the harbour”	The port and waters of the harbour, all existing quays, piers, landings, slipways, Company roadways, and all other works, and lands or buildings for the time being vested in or occupied or administered by the Company
“Berth”	Any dock, pier, jetty, mooring or other place at which a vessel might lie in waters within Harbour Limits.
“Vessel”	Any ship boat or other waterborne vessel or craft of any description.
“the Master”	When used in relation to a vessel, means any person having command, or control of the vessel for the time being.

“the Owner”	When used with reference to a vessel or goods includes the owner, agent, master, charterer or other person in charge of that vessel or goods and his respective servants or agents.
“Boat”	Open boat, skiff, dingy, punt, windsurfing board, jet-ski, racing hull or canoe, whether propelled by sails oars, mechanical power or other means.
“Fairways”	The navigable channels.
“Shed”	Any shed, store, silo or other structure owned or controlled by the Company and used for the reception of goods imported and for export.
“Vehicle”	Any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles trailers, caravans, and mobile homes, and includes items which are towed such as a boat trailer.
“Goods”	All articles, and merchandise of every description, including fish, livestock, animals, break bulk, bulk solids and liquid goods, including petroleum goods.
“Fishing Vessel”	A vessel used for sea fishing or for angling in the sea on a commercial basis.
“Skipper”	In relation to a fishing vessel, means the person who has for the time being command or in charge of that vessel.
“Passenger Boat”	Vessel carrying not more than 12 persons for reward.
“Passenger Ship”	Vessel carrying more than 12 persons for reward, but which is not a fishing vessel.
“Collision Regulations”	The International Regulations for Preventing of Collisions at Sea, 1972, which is incorporated into Irish law by the Collision Regulations (Ships and Watercraft on the Water) Statutory Instrument No.29 of 1984 as amended.
“Main Port”	Is the area of the North Quay bounded by the main gates and the vicinity of cargo set down areas
“Harbour Authority Permit”	Is a permit issued by the Co. authorising parking in permitted areas at a designated time and designated place by the holder of the permit.

## **PART II: NAVIGATION, SIGNALS, POLLUTION AND WRECKS**

### **NAVIGATION**

5. The Collision Regulations shall apply in the Harbour, provided that pursuant to rule 1 (b) thereof, in the event of conflict between the said Regulations and these Bye-Laws, the latter shall prevail.
6.
  - (1) No person shall navigate or attempt to navigate a Vessel when unfit by reason of drink or drugs or other reason deemed incompetent to do so.
  - (2) No Master or Owner of a Vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Bye-Law.
7. The Fairways shall be kept free and open. Unless otherwise directed by the Harbour Master, no Vessel entering the harbour shall anchor or moor in, or act in such a manner as to obstruct the entrance of Fairways.
8. Fishing pots and lines are at all times to be laid clear of navigational waters, which include waters extending 457metres seaward from the East and New Piers and slipways and landing steps within the harbour. Elsewhere in the harbour, they are to be laid in such position as not to become an obstruction or danger to any property, including in particular, but without prejudice to the generality of the foregoing, any Vessel or mooring, subject to the discretion of the Harbour Master.
9.
  - (1) The master of a vessel (other than a vessel which is directed by the Harbour Master to anchor or moor in the Fairways) and small pleasure craft shall not use the Fairways in any manner so as to cause obstruction to other vessels, and in particular other vessels which require the Fairways for navigation.
  - (2) During the times of arrival and departure from the harbour of any large power-driven vessels, including ships of the Naval Service, and ships of the Commissioners of Irish Lights, all other vessels within 457 metres to seaward of the harbour entrance, shall keep well clear of the mouth of the harbour, and out of the way of the said large vessels so as not to interfere with their free and uninterrupted passages to and from harbour berths, including manoeuvring off the berths.
10. All vessels, except permanently based pleasure craft, shall inform Wicklow harbour office by VHF radio of the following:
  - (a) Estimated time of arrival (ETA) at the harbour entrance at least two hours in advance of arrival, except for scheduled vessels, which must call at least thirty minutes in advance of arrival.



- (b) Estimated time of departure (ETD) from berth at least one hour in advance of departure, which must also be confirmed five minutes before departure.
11. (1) (a) No power-driven Vessel shall exceed the speed of 4 knots or shall race or take part in any race, within the harbour.
- (b) No craft shall attempt to make fast to another craft in motion.
- (2) All power driven vessels should have electrical suppression fitted.
- (3) The limit in paragraph (1) of this Bye-Law is not applicable to large power-driven vessels at the harbour entrance in strong Spring tide flows, or to RNLI or other craft whilst engaged on emergency service or emergency Training service.
12. No person or persons shall engage or take part in water-skiing, windsurfing, aquaplaning, paragliding or similar airborne or water activities within the harbour. Speed boats and jet skis (water bikes) are restricted to the speed limit of 4 knots whilst within the harbour.
13. (1) The Master of a Vessel including fishing vessels (other than small shallow draft permanent fishing vessels) shall ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available on board at all times to receive orders from the Harbour Master or his officials to:
- (a) attend to his vessel's moorings.
  - (b) comply with any directions given by the Harbour Master for the un-mooring, mooring and moving of his vessel.
  - (c) deal in so far as reasonably practicable, with any emergency that may arise.
- (2) Where a Vessel is at any time not capable of being safely moved by means of it's own propulsion machinery, the Master or Owner shall inform the Harbour Master forthwith and shall give to him any further information which the Harbour Master may require.
14. While a vessel is alongside a berth in the harbour, all boats and anchors shall be lifted inboard. Sails shall not be left loose at night or in stormy weather. Jib-booms of all sailing vessels shall be rigged in if so directed by the Harbour Master.
15. No vessel of any description shall remain afloat in any part of the harbour without being fully fitted out and seaworthy, together with certificates, licences etc. except such craft that have suffered weather damage and are using the harbour for shelter and immediate repair works.

16. Except at specific times or occasions that may be permitted by the Harbour Master, in writing, from time to time, and at no other time or occasion are racing or any other markers, floats or buoys permitted in the Fairways.
17.
  - (1) The organiser of any regatta, championship race or any other occasion when a number of Vessels are expected to assemble on the waters of the Harbour, shall give not less than fourteen clear days' notice thereof in writing to the Harbour Master, and shall seek the consent of the Harbour Master to the holding of the event. All such events are prohibited save those which take place with the consent of the Harbour Master.
  - (2) All regattas and championship races or similar events shall be conducted on courses and at times which have been previously approved by the Harbour Master.
  - (3) Any alteration or cancellation required by the Harbour Master shall, if practicable, be notified to the organiser at least seven clear days before the proposed date of the event, but may be notified by the Harbour Master to the organiser at any time prior to the commencement of the event.
18. The Master of a vessel, or a rod fisherman from the shore, on the occasion of any boat race, regatta, championship race, public procession or any other occasion when a number of vessels are assembled in the harbour shall not permit his vessel, or the rod fisherman his line or casting thereof, to pass therein so as to obstruct, or impede or interfere with the boat race, regatta, championship race or procession, or to endanger the safety of persons assembling in the Harbour, or to prevent the maintenance of order therein, and the Master of a vessel or a rod fisherman from piers or the shore shall obey the signs and directions of the Harbour Master or other persons authorised by him to superintend the execution of the Bye-Law, including members of the Garda Siochana.

## **SIGNALS**

19. Large power-driven vessels referred to in Bye-Law 9(2) shall sound or give:
  - (a) One prolonged blast when approaching the harbour entrance in accordance with Rule 34(e) of the Collision Regulations.
  - (b) A prolonged blast when departing head first from a berth.
  - (c) All of the other signals required by the Collision Regulations, when manoeuvring away from a berth in the harbour.

## **POLLUTION/WRECKS**

20. (a) No person his servant or agent shall, pour, pump or allow to escape within the Harbour, either by manual or automatic means any dangerous, oily or offensive matter.
  - (b) The person responsible for (a) above shall be liable for the costs of all damage done by the release of any such matter and shall be responsible for the clean up of the harbour, and for all clean up costs incurred in the clean up of the harbour. The nature and extent of the clean up shall be determined by the Company. (even where such release took place for the purposes of securing a vessel or for the purposes of saving life).
21. The Master of a vessel or any person in charge of a premises or vehicle from which any dangerous, oily or offensive matter has been poured, leaked, drained, pumped or allowed to escape within the Harbour or who is responsible for the commission of any of the acts referred to in bye-law 20 above shall immediately inform the Harbour Master of the occurrence of same.
22. The Master of a Vessel which has sustained damage outside the harbour approach area which affects or is likely to affect her sea worthiness, or from which oil or some dangerous or flammable substance is escaping or is likely to escape, shall give notice thereof to the Harbour Master, and the vessel shall not enter the harbour, except with permission of the Harbour Master and in accordance with his directions.
23. The Master of a Vessel in the harbour which has been in collision with or has occasioned damage to other vessels or property shall give immediate notice of the incident to the Harbour Master, and where the damage to a vessel is such that it affects or is likely to affect her seaworthiness, the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the Harbour Master and in accordance with his directions.
24. The Master of a Vessel in the harbour which has sustained damage or is on fire or from which oil or some dangerous or flammable substance is escaping or is likely to escape shall give immediate notice thereof to the Harbour Master, and the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the Harbour Master and in accordance with his direction.
25. The Master of a Vessel which has sunk or is grounded in the harbour shall immediately give to the Harbour Master notice thereof and of the position of such vessel and such particulars as may be required for the safety of navigation in the Harbour.

26. (a) No person his servant or agent shall abandon a Vessel within the Harbour.
- (b) For the purpose of paragraph (a) above, a person his servant or agent who leaves a Vessel within the Harbour in such circumstances or for such period that he may reasonably be assumed to have abandoned it, shall be deemed to be abandoned if the vessel is not under control of his servant or agent. It will be the sole discretion of the Harbour Master to determine if such vessel is abandoned.
- (c) The owner of any vessel to which regulation 25 or paragraph (b) of this regulation applies and the owner of any wreck at the time of its sinking, stranding, grounding or abandonment shall be liable to the Company for the costs of its subsequent removal and disposal in accordance with the provisions of section 51 of the Merchant Shipping (Salvage & Wreck) Act, 1993.
27. Subject to the provisions of the Merchant Shipping (Salvage and Wreck) Act, 1993, no Owner, Master or other person shall break up or attempt to break up or cause to be broken up any Vessel or wreck of a vessel in any part of the Harbour, without the prior written permission of the Harbour Master having been obtained.

### **PART III: BERTH AND MOORINGS**

#### **BERTHS**

28. No vessel of any description shall be moored in the harbour or shall come or lie alongside any pier or quay or berth in the harbour without the prior permission of the Harbour Master. Priority shall be given to commercial shipping vessels over 100 G.R.T. to use the Packet Pier, North Quay and South Quay within the Harbour of Wicklow.
29. No houseboat, or boat used for habitation, shall lie or remain in the harbour.
30. No Master or Owner of a Vessel berthed or moored in the Harbour shall cause or permit such vessel to emit noise, fumes, smoke or other pollutants or otherwise to breach any provision of any health, environmental, or pollution-control laws or regulations.
31. The Master of a Vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any pier, quay or mooring in the Harbour.

32. (1) The Master of a vessel which is moored or berthed in the harbour shall not cause or permit the engine of the vessel to be worked in such a manner as to cause injury or damage to any other vessel or property in the harbour and in particular shall not permit it to be worked in a manner which undermines the harbour piers or quay walls. Furthermore, no engine trials shall be conducted without the prior consent in writing of the Harbour Master.
- (2) The prior consent of the Harbour Master shall be obtained before the master of a vessel undertakes any work on the vessel's machinery or tackle which would affect the vessel's ability to manoeuvre or navigate.
33. Every Vessel lying at a quay or pier within the Harbour shall be so berthed as to lie broadside to the quay or pier. In the interest of safety and to allow proper access to and from the harbour, vessels using the River and East Pier berths shall lie no more than 2 abreast.
34. (1) The Master and/or the Owner of a Vessel shall ensure that it is provided with sufficient fenders adequate for the size of the vessel.
- (2) The Master of a vessel, when the vessel is berthing or leaving a berth or is lying at a quay against other vessels, shall cause his vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels and/or other property.
- (3) The master of a Vessel shall not make same fast to any post, ring, fender or any other thing or to any quay or other place which is not designed for that purpose.
- (4) The owner and master of every berthed vessel moored or berthed in the harbour shall be liable to the Company for any damage caused to the fendering on the quays and piers.
35. The Master of a Vessel shall so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.
36. The Master of a Vessel alongside a quay or alongside any vessel which is already berthed shall, if required so to do by the Harbour Master, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

37. No person except the Harbour Master shall for any purpose whatsoever un-moor or cast off or loose any mooring of any vessel moored within the Harbour without the previous permission of the Owner or Master of such vessel having been obtained.  
No other person shall for any purpose whatsoever un-moor or cast off or loose any mooring of any vessel in the harbour without the previous consent of the Owner or the Master of such vessel and of the Harbour Master, provided that it shall be a defence to proceedings under this Bye-Law for any person to show that he acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the Owner or Master of the vessel would in the circumstances have given his consent if he had been asked therefor.
- 38.(a) The owner or master of a vessel shall not place the vessel or allow the vessel to be in such a situation as to obstruct or interfere with access to any landing places, slipways or any other place and shall at no time leave the vessel unattended at any such place or at any other place other than the berth or mooring designated by the Harbour Master (and then only when she has been adequately secured).
- 38.(b) In the event of the owner or Master being in breach of paragraph (a) above the harbour master may take any action he deems appropriate for the removal and the costs incurred in doing so.
39. A vessel within the Harbour shall have sufficient access or gangways, pilot ladders, safety nets, lifebuoys, "No Smoking" signs and Fire Plans to comply with all applicable laws and regulations from time to time in force.

## **MOORINGS**

40. (1) No mooring, buoy or tackle may be laid down in the harbour without the prior licence of the Company given in writing. Any such licence shall designate the place where such mooring, buoy or tackle may be laid and it shall be the duty of the owner and master of the vessel or other object and all other persons involved in the mooring of the vessel or other object to comply with the terms and conditions imposed by the Company in the said licence.
- (2) Any mooring, buoy or tackle which is laid in the harbour without the licence of the Company, or which is laid in a manner which does not conform with the conditions of any licence granted by the Company shall, if the Harbour Master so directs, be immediately removed by the owner thereof or by the person responsible for laying it.
- (3) If a person fails to immediately comply with a direction made under paragraph (2) above, the Harbour Master may cause the mooring, buoy or similar tackle to be removed or sunk and he may recover the expense of so doing from that person.

- (4) In the event that the owner of a mooring, buoy or tackle that is unauthorised, out of position or unmarked cannot be located by the Harbour Master, after reasonable enquiry, then the Harbour Master may cause the mooring, buoy or tackle to be removed or sunk and shall recover the expense of so doing from the owner if he is subsequently identified.
  - (5) Any Vessel made fast to a mooring, buoy or tackle referred to in paragraph (2) above may be removed and made fast to a quay or pier by the Harbour Master and the costs incurred in so doing may be recovered from the Owner of the vessel or in the alternative, the owner of the mooring, buoy or tackle.
41. No person shall attempt to secure a vessel to a mooring or to a moored vessel save in accordance with best seamanship practice.

#### **PART IV: CARGO/GOODS, BOATS FOR HIRE, BOAT STORAGE/REPAIRS**

##### **CARGO/GOODS**

42. No cargo, goods or passengers shall be loaded or unloaded onto or from any vessel unless the master, owner or agent of the vessel has first furnished to the Harbour Master a copy of the manifest and such other particulars of the cargo, goods or passengers as the Harbour Master may require.
43. (1) Goods shall not be deposited or placed on or in any quay or shed in such manner as to obstruct or interfere with the ordinary use and enjoyment thereof, and the Harbour Master may either order any goods so placed to be removed forthwith to some convenient place by the owner thereof or he may cause the same to be removed and thereupon the cost and expense of such removal shall be repaid to the Company by the owner.
- (2) (a) Provided reasonable use and enjoyment of any quay or shed is not interfered with or obstructed, goods deposited thereon or therein may remain without payment, for the period of 24 hours (hereinafter referred to as the permitted period) excluding Sundays and State Holidays.
  - (b) From and after the expiration of the “permitted period” charges in accordance with such scales as may from time to time be fixed by the Company shall be payable for the occupation of quay or shed space which continues to be occupied by the goods.
  - (c) Charges in accordance with such scales as may from time to time be fixed by the Company shall also be payable in respect of Goods remaining on the quay or in any shed in contravention of Bye-Law 43 (1) hereof from and after the expiration of any notice served under Bye-law (b) hereof.

- (d) All sums payable for occupation of quay or shed space, cost of removal, or otherwise in respect of goods shall be paid at the Port Company Office before the goods are removed from the quays, and the Harbour Master may detain such goods until all such payments have been made.
  - (e) The foregoing Bye-Laws are without prejudice to the right to exercise any other powers conferred on the Company by Statute, Bye-Law or otherwise, and the Company reserve the right to authorise, the foregoing charges to be refunded in whole or in part in any case in which written application has been made by the owner of such goods and in which the Harbour Master so recommends on the ground that the removal of the goods was not reasonably possible or in other exceptional circumstances, provided that such charges have been duly paid.
- 44.
- (1) The Owner of any cargo or goods loaded or discharged at the Harbour shall comply with such directions as the Harbour Master may give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Harbour.
  - (2) The Harbour Master may enter at any time any vessel within the Harbour to inspect same, the goods on board the vessel and the documents kept in relation to the vessel and its occupants.
  - (3) No person (except with the permission of the Company) shall exhibit or place in or on any land or premises of the Company any goods for sale other than such goods as may be sold or exhibited for sale under the provisions of the Merchant Shipping Acts, or by order of the Revenue Commissioners, and other than perishable goods sold within forty-eight hours of their being landed.
  - (4) In all working areas of vessels and the Port, the wearing of safety equipment must be adhered to at all times which include, helmets, high viz vests and safety shoes. Where necessary masks or breathing apparatus must be used. Smoking is prohibited within the harbour areas, or on any vessel within the harbour.
- 45.
- (1) The owner of a vehicle within the Harbour shall not permit any substance to leak, spill or drop from the vehicle.
  - (2) In the event that any substance leaks, spills or drops from any vehicle, the owner of the vehicle shall be responsible for all damage done and shall also be responsible for the clean up of the harbour and for all clean up costs incurred in the clean up of the harbour.



## **BOATS FOR HIRE/REGISTERING**

46. It shall be compulsory for all fishing vessels operating from the Port of Wicklow to register the name of the vessel and name and address of the owner and skipper with the Port Company.  
In the interest of safety and good management of the operation of the Harbour, the Company at its sole discretion shall be entitled to determine the number of fishing vessels which can be accommodated by the Port.
- (1) No vessel shall be used, operated, let held out or offered for hire within the harbour, unless it has been licensed to do so by the Department of Communications, Marine and Natural Resources and until it is first demonstrated to the Company that all conditions of the licence have been complied with and that all applicable laws and regulations from time to time in force have also been complied with. No Passengers may be carried by any such vessel and no hiring or letting of the vessel may take place until the owner of the vessel has satisfied the Company as to the matters aforesaid.
46. (2) When conveying passengers, vessels (other than fishing vessels) governed by paragraph 3(b) below, must possess either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, pursuant to the Merchant Shipping Act 1992, and any amendments thereto.
- (3) (a) A fishing vessel shall be subject to paragraph (2) above of this Bye-Law if it takes passengers from or lands passengers at the Harbour.
- (b) If a fishing vessel is engaged in taking parties of rod fishermen on angling trips from, or landing them, at the Harbour, by private charter or otherwise, it shall possess a valid Load Line Certificate or Load Line Exemption Certificate, as appropriate, issued by the Department of Communications, Marine and Natural Resources.
47. The owner or master of any vessel licensed to operate passenger or fishing vessels from the harbour or to land passengers at the harbour shall not allow any person deemed unfit, by reason of drink or drugs to board the vessel or to be landed at the harbour.
48. No licensed vessel shall at any time ply or be allowed or be used for hire when, by reason of the weather or other circumstances, or non-compliance with or contravention of any of the conditions of the licence issued by the Department of Communications, Marine & Natural Resources or the conditions attaching to any applicable Certificate from this Department, the navigation and management of the vessel, or when the embarkation or disembarkation from same, is dangerous, and in no case if forbidden for any reason by the Harbour Master.

49. The Company may seek at any time to suspend or revoke the use of the vessel if not kept in compliance with any of the conditions of the licence issued by the Department of Communication, Marine & Natural Resources, or where there has been contravention of any of the Bye-Laws in respect of that vessel, and in either case, the licence must be returned forthwith on demand to the Harbour Company by the Owner, Master or Skipper of the vessel.
50. Upon transfer of ownership of a Vessel licensed by the Dept. the transferor shall give to the Company notice in writing of such transfer and shall surrender to it the vessel's licence to ply for hire.

#### **REPAIRS/STORAGE/LAY-UP/PORT ENTRANCES (GATE ACCESS)**

51. (1) The storage of any vessel or water craft on any of the Company's piers, quays, roads and confines is not permitted. Permission by the Harbour Master may be given for minor repairs to small vessels or their gear or furniture for a limited period in a designated area on the written undertaking of the Owner in the form prescribed by the Company to pay the charges fixed therefore, and to make no claim against the Company, its servants or agents for any damage, accident or loss occasioned thereto.
- (2) Any owner or master of a vessel who wishes to lay up the vessel in the harbour shall make a request in writing to the harbour master for permission to do so and if given permission to do so by the harbour master, such vessel may thereupon be laid up in the harbour at the sole risk of the owner or master. Without prejudice to the generality of the powers of the harbour master to give or refuse permission for the laying up of any such vessel, the harbour master is expressly empowered to refuse any such request for permission to lay up a vessel where he is of opinion that the laying up of the vessel would interfere with the proper management or functioning of the harbour. In any case where the harbour master gives permission for the laying up of a vessel, the prescribed harbour dues must be paid for the duration of the period during which the vessel is laid up at the harbour.
- (3) Any vessel, which the harbour master permits to be laid up in the harbour, shall be moored at such place as shall be designated by the harbour master.

52. (1) The slipways in the Harbour shall at all times be kept clear, other than at the times of launching or recovering vessels.
- (2) In particular, the R.N.L.I. slipway must never be impeded and a clear run for the lifeboat into the sea off the slipway must be maintained at all times. Any vessels, moorings, buoys or tackle causing an obstruction to the path of navigation of the lifeboat from the slipway to the sea (and vice versa) is hereby prohibited. In particular, no vessels are permitted to moor at the East Pier in close proximity with the RNLI slipway or in line with the RNLI slipway chute.
- (3) Approach road leading to RNLI Station must be kept clear at all times of obstruction to facilitate access by lifeboat crew and emergency services.
53. (1) Fires shall not be lit, and unprotected lights, unprotected power cables, unprotected power tools or machinery shall not be used within the harbour confines.
- (2) Fumigation of vessels within the port area is strictly prohibited.
- (3) All livestock are strictly prohibited to be stored in any vessel, quay, pier or shed.
54. (1) The Main Port gates may be open at such hours as may be fixed by the Company from time to time, and access to the Main Port shall be restricted to these opening hours, or such other times and periods as directed by the Company. No unauthorised person shall enter or remain in any part of the Main Port when the gates are closed, unless authorised to do so by the Company, and on legitimate business.
- (2) The East Pier gate shall be and remain locked at all times unless the harbour master, in the special circumstances of the case, directs otherwise.
- (3) The North Pier is pedestrian access only.

#### **PART V: VEHICULAR TRAFFIC**

55. (1) The Wicklow Port Company shall have power to restrict and control traffic in appropriate areas of the Port.
- (2) No person shall drive or otherwise operate a vehicle within the harbour without exercising due care and attention or without reasonable consideration for other persons within the harbour, and their property.
56. The owner of a vehicle within the harbour shall ensure that any load carried thereon or therein is properly secured and that it complies with the statutory and regulatory restrictions, which apply to public roads, as to the weight of goods to be carried.

57. A person having charge of a vehicle within the harbour shall at all times comply with any directions of the harbour officials with respect to the loading and /or discharging of goods, and the manoeuvring and removal of the said vehicle, and shall not, without the permission of the Harbour Master:
- (a) Leave the vehicle unattended anywhere within the Harbour, except when lawfully left at a car park; or
  - (b) Take it into any shed or working area.
- 58 . No person shall :
- (1) Walk run along or otherwise occupy a Harbour roadway or vehicular area in such a manner as to either endanger his own safety or cause a hindrance to vehicular traffic.
  - (2) Save with the prior permission of the company, deposit or place on any part of the Harbour any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto;
  - (3) Without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus within the harbour.
59. Any person driving or otherwise operating a vehicle which is involved in an accident within the Harbour whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the vehicle and report the accident to the Company forthwith and shall give his name, address, and details of the insurance policy held by him to the Company.
60. Drivers of vehicles within the Harbour shall comply with the provisions of these Bye-Laws, and shall comply without delay with such directions for the regulation of traffic within the Harbour as may be given by the Harbour Master or the Garda Siochana or which are set out in any notice displayed by the Company within the Harbour.
61. No vehicle shall remain or be left stationary on any roadway within the Harbour which is indicated as a clearway, nor shall any person park on a slipway, or contrary to any other traffic parking regulations which are indicated by notices displayed by the Company within the Harbour.
62. Vehicles shall not mount, traverse or drive along any pedestrian pathway or pedestrian area within the harbour.

63. (a) The East Pier and North Pier are closed to vehicular traffic save for vehicles authorised by the Company.
- (b) No person shall cycle bicycles in the harbour save that persons over 18 years old (or children accompanied and supervised by persons over 18 years old) may cycle on the lower level of the East Pier between sunrise and sunset. Cycling on upper level of the East Pier is prohibited.
- (c) It is prohibited to cycle bicycles in a manner which causes danger or annoyance to other users of the East Pier and at no time shall any cycling exceed the speed of 10 miles per hour.
64. The following vehicles are exempt from the application of these Bye-Laws:-  
An official vehicle being used by an official or other employee of the Company; vehicles of the Garda Siochana; Doctors; ambulance; a fire fighting appliance; designated vehicles owned by members of the RNLi or Irish Marine Emergency Service (Irish Coast Guard) when attending an emergency call-out.
65. The use within the confines of the harbour of any skateboard, roller skates, rollerblades or similar item is prohibited.
66. (1) No person shall leave any bicycle unattended within the Harbour, except in such places as may be set aside by the Company for the parking of bicycles, at which locations parking of bicycles shall be at the owner's own risk.
- (2) Bicycles which are found chained to lamp posts, railings and the like within the Harbour may be removed by an employee of the Company and impounded. The owner of such a bicycle shall be liable for the costs incurred in the removal and storage of that bicycle, in addition to any penalty incurred for breach of these Bye-Laws, and such bicycle shall not be released to the owner until all monies due by him to the Company under these Bye-Laws have been paid in full.
67. No caravan, mobile home, dormobile or similar vehicle, which is used or is capable of being used for habitation, shall park or remain within the Harbour save for vehicles which are in immediate transit to or from a ship in the Harbour.
68. Commercial vehicles which are not engaged in business within the Harbour, or are not in immediate transit to or from a ship in the Harbour, are prohibited from entering the Harbour. This prohibition shall not apply to commercial vehicles which are passing through the harbour to gain access to lands adjoining same, or commercial vehicles which are passing through the harbour under a license agreement with the Company.
69. Commercial vehicles within the Harbour, especially those engaged in the fishing industry, shall be kept in a clean and fresh-smelling condition.

70. Only vehicles displaying a Harbour Authorisation Permit are permitted to park in the internal allocated parking areas, provided that the Permit remains valid and its conditions of use are complied with.
71. When keys, electronic or otherwise for operating access gates and/or doors are issued to named individuals, such keys must be retained for the exclusive use of the named person. Contravention of the foregoing will result in the immediate withdrawal of the keys to such person.
72. (A) The Harbour Master may remove any vehicle, boat or trailer, including caravans and dormobiles, which are not parked in accordance with the regulations made by the Company or cause it to be removed to some convenient place at the discretion of the Harbour Master and there detained at the cost of the owner.
- (B) (1) Where the Harbour Master finds within the Harbour a vehicle parked in contravention of any regulation made by the Company, he may fix an immobilisation device to the vehicle or remove it to another place and there fix an immobilisation device or authorise any other person to take under his direction any action he could himself take by virtue of this paragraph.
- (2) When on any occasion an immobilisation device has been affixed to a vehicle in accordance with this Bye-Law, a warning notice shall also be affixed thereto indicating that:
- (a) An immobilisation device has been affixed and that no attempt should be made to drive the vehicle or otherwise put it in motion.
- And
- (b) Specifying the steps to be taken to secure its release.
- (3) No person shall remove or interfere with any notice or immobilisation device affixed to such vehicle.
- (4) A Vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of the Company, its servant or agent on payment, in the manner specified in the notice affixed to the vehicle under paragraph (3) above, of the fine specified in the First Schedule hereto for a breach of this regulation.

## **PART VI: HARBOUR PERSONNEL, PUBLIC AREAS, PIERS**

### **VARIOUS REGULATIONS**

73. The harbour officials are authorised by the Company to police the Harbour and to enforce and implement Bye-Laws within the Harbour, and all regulations made by the Company in relation to the Harbour.
74. While within the Harbour, a person shall not obstruct or impede or refuse to comply with a request or direction of the Harbour Master or any other Company employee acting in the exercise of his duties.
75. Where an official of the Harbour Company or any other Company employee acting in the exercise of his duties, is of the opinion that a person is or may be in breach of these Bye-Laws, he may demand the name and address of such person and the correct name and address shall be supplied to him.
- 76.
77. No person shall deposit or throw into the harbour, or deposit on any part of the Harbour, any rubbish, oily substance or other materials whatsoever or place same in such a position that it is likely to fall, flow, blow, or drift into the Harbour. Any person who breaches the provisions of this bye-law will be liable for the costs of the clean up of the harbour (or any part thereof).
78. Litter is to be deposited only in the waste disposal receptacles which have been provided by the Company located throughout the Harbour.
79. No person shall fish from the end of the piers when there are swimming races in progress or when small open craft or yachts are approaching the ends of the piers.
80.
  - (1) No person shall while within the Harbour behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to other persons lawfully using or being within the Harbour.
  - (2) Any person in breach of paragraph (1) above, or who otherwise continues to be in breach of any of these Bye-Laws, after having received notice either orally or written of the breach from the Harbour Master or any member of the Garda Siochana may be directed to leave the harbour by the Harbour Master or be removed from the harbour by the Harbour Master acting in conjunction with the Garda Siochana and such removal shall not in any way excuse any such person from being subjected to the appropriate penalty or penalties for breach of these Bye-Laws.

81. No person shall, while within the Harbour:
- (1) Injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, noticeboard, road traffic signs, walls or any other property.
  - (2) Walk upon any flowerbed or through any shrubbery.
  - (3) Climb any building, wall, pier, fence, barrier or post.
  - (4) Make any bonfire, fire or barbecue or light any fireworks, save with the prior written permission of the Company and strictly in accordance with the terms and conditions of such permission.
  - (5) Consume alcohol in the public areas of the Harbour or have in his/her possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and a person under the influence of intoxicating liquor shall not be allowed to enter or remain within Harbour.
  - (6) Throw stones or other missiles or discharge any firearm or catapult within or in the vicinity of the Harbour.
  - (7) Consume, inject, inhale or otherwise absorb controlled drugs or solvents, and a person under the influence of drugs shall not be allowed to enter or remain within the Harbour.
  - (8) Erect any tent or camp in any part of the Harbour, save the erection of marquees by Sailing Clubs upon Sailing Club property, for regatta events.
  - (9) Make improper use of any embarking/disembarking conveyance.
  - (10) Leave baggage, goods or property unattended.
  - (11) Give false, fictitious or misleading information in any form to the Harbour Master or any employee of the company, or to the Garda Siochana or refuse to give information under Bye-Law 75 herein.
82. No person shall light any flame or spark at any place designated by notice within the harbour or at or near any vessel taking or unloading bunkers.
83. Save and excepting the proper use of any lawful distress signal or race starting gun loaded with blank cartridges, no person shall have or fire any loaded gun or other explosive within Harbour.



84. No person shall collect money, solicit alms, beg, or busk within the Harbour, save for collections which have been authorised by written permission of the Company and at such place or places and in accordance with such conditions as are set by the Company.
85. No person shall conduct or take part in any musical or artistic performance, public gathering or meeting within the Harbour, save with the written permission of the Company and at such place or places and in accordance with such conditions as are set by the Company.
86. No person shall play ball games within the Harbour.
87.
  - (a) No person shall bathe at any of the quays or from any vessel lying at same without the consent of the Harbour Master.
  - (b) No platforms or fixtures shall be attached to or placed to any pier in the harbour without prior consent of the Company.
88.
  - (1) No person shall open, cut or clean fish within the Harbour.
  - (2) Commercially loaded fish is to be immediately removed from the Harbour.
  - (3) No person shall store fishing equipment in any location without the prior consent of the Harbour Master.
  - (4) Fishing gear, pots, boxes and equipment shall be kept free of rotten seaweed, fish, bait and the like, so as not to create offensive odours and all fishing pot bait shall be placed directly onto the fishing vessels from the delivery vehicles.
  - (5) All bait delivered to fishing vessels in Wicklow Port must be in sealed containers (e.g. plastic barrels) and these containers must be shipped on-board the fishing vessels in this sealed condition.
  - (6) The leaving of bait and fishing equipment within the Harbour for transfer delivery to other destinations is strictly prohibited.
  - (7) The sale of fish directly to the public, from fishing vessels within the harbour, is prohibited.
89. All persons within the harbour, ashore or afloat, shall conduct themselves in a manner consistent with public decency.
90. No person shall sell, or offer for sale, ice-cream or any other food or article whatsoever, or operate any commercial or business venture whatsoever within the Harbour, save with the prior written permission of the Company and at such place or places and in accordance with such conditions as may be set by the Company.
91. No person or organisation shall post bills, distribute leaflets, display or erect signs, posters, notices, hoardings or the like within the Harbour, save with the prior written consent of the Company.

92. No person or organisation shall film, photograph or otherwise record for commercial use, within the Harbour, save with the prior consent of the Company and at such place or places and in accordance with such conditions as may be set by the Company.
93. (1) No person shall bring into or allow to remain within the Harbour any dog unless it is on a leash and no person shall, anywhere within the harbour where a notice prohibiting the admission of dogs is exhibited or displayed, cause or allow any dog in their charge to enter or remain there.
- (2) Every person in charge of a dog within the Harbour shall prevent it from causing any injury or annoyance to any person within the Harbour and from worrying, chasing, injuring or disturbing any person, animal, bird or other creature within the Harbour.
- (3) Every person bringing a dog to the Harbour shall be responsible for its conduct and shall be solely and exclusively liable for any damage or injury which may be caused by it while within the Harbour. Any person in charge of a dog within the Harbour shall immediately remove same from the Harbour if so directed by The Harbour Master
- (4) If a dog defecates within the Harbour, the person in charge of the dog shall immediately remove the faeces and deposit it in a litter bin or other receptacle which may be designated for this purpose, blind persons with their guide dogs are exempt from this paragraph of these Bye-Laws.
- (5) A person shall not cause or allow any dangerous dog, as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations, 1991 and any amendment thereto, in their charge to enter or remain within the Harbour unless such dog is at all times kept muzzled while within the Harbour.
- (6) The walking or exercising of dogs on the upper level of the East Pier is strictly prohibited.
94. No person shall turn out to graze within the Harbour, or allow or suffer to stray or remain within the Harbour, any horse or other animal.
95. No person shall lead, walk or ride a horse or other animal within the Harbour, except when the animal is hauling a vehicle on a roadway open to public traffic. All such vehicles and their animals shall remain accompanied by and be kept in charge by their drivers for the duration of their presence within the Harbour.

## **PART VII: PENALTIES**

96. (1) Any person who breaches or contravenes or otherwise fails to comply with any of these Bye-Laws (including, without prejudice to the generality of the foregoing, any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-Laws or under Statute), shall be, guilty of an offence and shall be, at the discretion of the Company:
- (a) Served with a notice by the Company, the fine payable under the provisions of the first schedule hereto calculated in accordance with that schedule, in respect of the said breach or contravention. Notice of the fine shall be in the general form of the notice in the Second Schedule hereto;
- And/or
- (b) Prosecuted by the Company for breach of these Bye-Laws, and the penalties which may be imposed on conviction are those which are set out in Section 6 of the Harbours Act 1996, and any amendment thereto.
- (2) Any breach, contravention, or failure to comply with any of these Bye-Laws, should the breach, contravention, or failure to comply continue for a period in excess of 24 hours, shall be a separate offence and liable to a further fine, and this shall apply to each consecutive period of 24 hours.

## **PART VIII: PILOTAGE**

97. It is the policy of the Company in the interest of safety that all commercial vessels over 100 G.R.T. entering and leaving the port of Wicklow must use experienced pilots.  
Only pilots approved by the Company shall be allowed to operate within the harbour and its approaches.

## **FIRST SCHEDULE**

**Scale Table of Fines which may be imposed by the Company as a penalty for breach or contravention of any of these Bye-Laws, provided that payment is made to the Company within twenty-one days of service of a notice on an offender, in default of which the statutory penalties specified in Section 6 of the Harbour Act 1996 (and any amendment thereto) may be relied upon by the Company in a prosecution of an offender:**

<b>Level A</b>	<b>€100</b>
<b>Level B</b>	<b>€250</b>
<b>Level C</b>	<b>€1,000</b>

**Etc.**

### **Bye-laws to which Level A applies:**

Nos. – 8, 10, 14, 16, 17, 28, 33, 34, 55, 57, 61, 63, 65, 66, 67, 71, 72(A), 77, 79, 80, 84, 85, 86, 87, 90, 91, 92, 93, 94.

### **Bye-laws to which Level B applies:**

Nos. - 11, 12, 13, 18, 19, 26, 29, 31, 32, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 58, 59, 60, 62, 69, 70, 72(B), 73, 75, 78, 81, 82, 83, 88, 89, 95, 96.

### **Bye-laws to which Level C applies:**

Nos. - 6, 7, 9, 15, 20, 21, 22, 23, 24, 25, 27, 30, 35, 38, 49, 51, 56, 68.

**This table of fines may be subject to review at any time.**

## **SECOND SCHEDULE**

### **FIXED PAYMENT NOTICE FOR THE PURPOSES OF BYE-LAW NO. 96(1)(a)**

From: WICKLOW PORT COMPANY, NORTH QUAY, WICKLOW

To: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_

Whereas it is hereby alleged that you have contravened the Port of Wicklow Bye-Laws made pursuant to Section 42 of the Harbours Act, 1996, namely Bye-Law No.( ) by (in general terms state nature of contravention) at Wicklow Harbour on the day of 200\_.

You may pay the sum of €( ), within a period of twenty-one days from the date hereof, accompanied by this notice, at Wicklow Port Company, North Quay, Wicklow.

A criminal prosecution for breach of contravention of the Harbour Bye-Laws will not be instituted during the said period, and if the said sum of € ( ) is paid during the period stipulated, no prosecution will be instituted at any time in respect of this particular breach or contravention.

Dated \_\_\_\_\_

Signed \_\_\_\_\_  
Duly authorised signatory,  
For and on behalf of Wicklow Port Company

### **Important:**

**Payment will be accepted only at the Wicklow Port Company Office, North Quay, Wicklow Harbour, and must be accompanied by this notice. Payment may be made by post or in person. Cheques should be made payable to Wicklow Port Company. A receipt will be issued.**

You are entitled to disregard this Notice and to defend a prosecution in court.