



# Port *of* Waterford

BYE-LAWS (PILOTAGE EXCEPTED)

2015

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PORT OF WATERFORD  
BYE-LAWS (PILOTAGE EXCEPTED) 2015

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made pursuant to Section 42 of the Harbours Act 1996  
(as amended by Section 8  
of the Harbours (Amendment) Act 2000)

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Port of Waterford Company, in exercise of the powers conferred on it by Section 42 of the Harbours Act 1996 (as amended by Section 8 of the Harbours (Amendment) Act 2000), 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.

**SECTION A: INTERPRETATION**

**1. Definitions and Construction**

1.1 In these Bye-laws the following terms shall have the following meanings (save where the context otherwise requires):

“Act” means the Harbours Act 1996;

“Acts” means the Harbours Acts 1996 – 2009;

“Agent” when used in relation to any Owner shall mean the person appointed by the Owner to act on that Owner’s behalf in relation to any matter concerning a Vessel or Goods travelling to or from or situate in the Harbour;

“Berth” includes any Quay, or other place at which a Vessel might lie;

“Cargo Handling Equipment” means all equipment (including a crane) used for or in the handling of cargo or Goods within the Harbour;

“Collision Regulations” means the Collision Regulations (Ships and Watercraft on the Water) Orders 1984 to 2012;

“Company” means Port of Waterford Company, a limited liability company incorporated under the Companies Acts 1963 to 2013 and registered in Ireland under Companies Registration Office No. 299445;

“Controlled Drug” means a controlled drug as defined in Section 2 of the Misuse of Drugs Act 1977;

“Day” or “Daytime” means the period between sunrise and sunset;

“Fairway” means the space within the Harbour for the time being reserved as a highway for vessels in motion as described in the Schedule hereto subject to any alteration thereto as may be published from time to time by the Company and any other navigable channel marked as such and dredged or maintained by the Company;

“Ferry” means a Vessel engaged in the business of the carriage of persons, Goods, cargo and/or Vehicles;

“Goods” means all articles and merchandise of any description and includes cargo, livestock, animals and fish;

“Harbour” means the harbour as defined in Section 7(3) of the Act and in column (1) of the First Schedule thereto in respect of the Company together with all waters, all Harbour Premises and every Quay within the Harbour over which the Company is conferred with jurisdiction, being within the following two limits viz-

- (a) the outward limit consisting of the waters of the sea and River Suir within an imaginary arc with radius of 6.44 kilometres drawn seaward from a point midway between Falskirt Rock and Hook Point; and
- (b) the inward limits are an imaginary straight line extending from a point 35 metres westward from the centre line of Killoteran Pill and due north west to a position in the townland of Licketstown on the Kilkenny side of the River Suir,

but excluding the Fishery Harbour Centre at Dunmore East, Co. Waterford and the piers located within the County Council harbours of Passage East, Co. Waterford, Cheekpoint, Co. Waterford, Arhurstown, Co. Wexford, Ballyhack, Co. Wexford and Duncannon, Co Wexford;

“Harbour Craft” means a Vessel which is used mainly within the Harbour and operated by the Company;

“Harbour Master” means the harbour master for the time being of the Company and for the purposes of these Bye-laws includes representatives of the Company to

which the Harbour Master may delegate any of his functions pursuant to Section 37(1) (b) of the Act;

“Harbour Premises” means the Harbour and property therein including Quays, docks, slipways, jetties, stages and any other harbours, works, land and buildings (whether owned, licensed or leased) for the time being vested in or occupied by or administered by the Company;

“ISPS Code” means International Ship and Port Facility Security Code of the International Maritime Organisation as referred to in the European Communities (Ship and Port Facilities) Regulations 2004 (S.I. No. 413/2004) and all amendments thereto;

“Master”, when used in relation to any Vessel, means the person having command or charge of the Vessel for the time being, but shall not include a Pilot;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 and its annexures, as modified by Protocol in 1978 and all amendments thereto 1984 to date;

“Month” means calendar month;

“Night” or “Night time” means the period between sunset and sunrise;

“Obstruction” means any object floating or otherwise, within the Harbour which may obstruct the passage of Vessels;

“Owner” ,when used in relation to Goods, includes any consignor, consignee, shipper or Agent for the sale, receipt, custody, loading or unloading and clearance of those Goods and includes any other person in charge of the Goods or his Agent, in relation thereto; and when used in relation to a Vessel includes any part owner, beneficial owner, broker, charterer, agent or mortgagee, in possession of the Vessel or other person or persons entitled for the time being in possession of the Vessel;

“Pilot” means any person not belonging to a ship who has the conduct thereof;

“Quay” means any quay, pier, jetty, dolphin, landing stage, wharf, mooring dock, graving dock or other structure used for berthing or mooring vessels including any bridge, roadway or footway immediately adjacent and affording access thereto, in any case owned, administered or occupied by and within the Harbour over which the Company is conferred with jurisdiction, including the portion of the quayside of the Company’s property between the Millennium Plaza and Bilberry Road, within the City of Waterford extending from the face of the Quay wall to the public road;

“Shed” means any building leased or licenced by or belonging to the Company used for the reception and/or storage of Goods imported or for export;

“Small Vessel” means any vessel of less than 20 metres in length including a sailing vessel and for the purpose of this definition ‘sailing vessel’ means a vessel designed to carry sail, whether as a sole or as a primary or supplementary means of propulsion;

“Vehicle” includes any vehicle mechanically propelled or propelled on rails, machinery on wheels or caterpillar tracks, amphibious vehicles while on land, motor cars, motor lorries, trailers, tractors, mobile cranes, buses, caravans, mobile homes, forklifts, bobcats, motor cycles, pedal cycles, and road sweepers;

“Vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on, manoeuvring on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle during such time as it is in or hovering over the water, other than a Small Vessel.

- 1.2 The Interpretation Act 2005 applies to these Bye-laws.
- 1.3 In exercising any of its rights or functions under these Bye-laws the Company shall be entitled at its sole discretion to employ such agents, contractors or other persons as may from time to time be reasonably necessary and such agents, contractors and/or person(s) shall thereby be entitled to exercise the rights and powers hereby vested in the Company on being specifically authorised in writing to do so.
- 1.4 Where any Owner, Agent or Master for the time being are two or more persons or where obligations expressed or implied to be imposed on two or more persons by these Bye-laws, such obligations to be imposed on such persons are deemed to be imposed on such persons jointly and severally.
- 1.5 Words importing one gender include all other genders and words importing the singular include the plural and *vice versa*.
- 1.6 References to any right of the Company to have access to or to exercise rights in respect of any property shall be construed as extending to all persons authorised by the Company (including agents, professional advisors, contractors, workmen and others).
- 1.7 References to a statute or statutory provision (whether primary or secondary) or to a convention or treaty, includes any extension, consolidation, modification, amendment or re-enactment of such statute, statutory provision, convention or

- treaty and any statutory instruments, notices, regulations or orders made, issued or given thereunder.
- 1.8 The clause, paragraph and section headings of these Bye-laws are inserted for convenience of reference only and shall not be taken into account in the construction or interpretation of these Bye-laws.
- 1.9 References to “lands” include messuages, lands, tenements and hereditaments of any tenure.
- 1.10 References to a “person” shall be construed as a reference to any individual, firm, company, corporation, undertaking, association, or partnership (whether or not having separate legal personality).
- 1.11 Save as expressly set out herein or where the context otherwise requires terms and expressions which are defined in the Acts shall have the same meanings in these Bye-laws.
- 1.12 These Bye-laws may be cited as the Port of Waterford Bye-laws (Pilotage Excepted) 2015.
- 1.13 References to “Harbour” shall, where the context requires, include the Harbour Premises.
- 1.14 References to obtaining the permission or consent of the Harbour Master shall be construed as requiring the prior permission or consent of the Harbour Master, which permission or consent may be withheld at the absolute discretion of the Harbour Master or may be granted subject to the satisfaction of such conditions as may be required by the Harbour Master. A permission or consent of the Harbour Master may be issued in writing or in such other form as the Harbour Master may determine. References to obtaining the permission or consent of the Company shall be construed in like manner.
- 1.15 References to “dangerous, flammable, explosive or hazardous Goods” shall be construed as a reference to dangerous Goods or substances within the meaning of the International Maritime Dangerous Goods Code, or the Dangerous Substances Act 1972 and the Dangerous Substances (Amendment) Act 1979 both as amended and all Regulations made thereunder or the Carriage of Dangerous Goods by Road Act 1998 as amended and all Regulations made thereunder, or the European Agreement concerning the International Carriage of Dangerous Goods by Road and all Regulations made thereunder .

## **2. Commencement and revocation of certain Bye-laws**

- 2.1 These Bye-laws shall come into force on the 26th day of March 2015.

- 2.2 The Bye-laws relating to the Navigation within the Limits of the Port of Waterford and Management of said Harbour dated 14 December 1959 made by the Waterford Harbour Commissioners, stand revoked with effect from the 3 day of September 2007.

## **SECTION B: REGULATION OF THE HARBOUR BY THE HARBOUR MASTER AND THE COMPANY**

### **3. Introduction**

The immediate charge of regulation of the shipping and traffic within the Harbour and the governing and accommodation of the shipping therein not otherwise specially provided for in the Acts, shall devolve to and be regulated by the Harbour Master, within the limits of his jurisdiction. All Masters, officers, crews and persons in or employed upon any Vessel, Harbour Craft or boat within the Harbour and all persons employed in connection with shipping or traffic within the Harbour, are required to obey the lawful orders and directions of the Harbour Master and to obey the several Bye-laws following, contravention of which shall constitute an offence within the meaning of Section 42(2) of the Act.

### **4. Harbour Master may give directions**

The Harbour Master may, subject to any Bye-laws in force in relation to the Harbour, give to the Master of a Vessel using the Harbour, such directions in connection with the use or operation of the Harbour as the Harbour Master considers proper for the purpose of protecting persons and property or regulating traffic, and in particular, for the following purposes, in addition to those listed in Section 46 of the Act:

- 4.1 For designating areas, routes or channels in the Harbour and approach areas which Vessels are to use or refrain from using for movement or mooring.
- 4.2 For ensuring that Vessels move only at certain times or during certain times and during certain periods.
- 4.3 For regulating the flow of traffic to and from relevant Berths in accordance with allocated slot times as determined and varied by the Harbour Master in his absolute discretion.
- 4.4 In addition, the Harbour Master may give directions requiring the removal of a Vessel from a Berth or any other part of the Harbour Premises if:-
- (i) it is on fire;

- (ii) it is in a condition where it is unseaworthy and/or liable to become immobilised, water logged or to sink;
  - (iii) it is making an unlawful or improper use of a facility;
  - (iv) it constitutes a nuisance, risk or danger to the safety or welfare of persons, Vessels or property;
  - (v) it is interfering with the use of a facility by other Vessels or is otherwise interfering with the proper use of a facility or the dispatch of business therefrom;
  - (vi) the Berth being occupied is required to accommodate another Vessel;
  - (vii) the removal is necessary to enable development, maintenance or repair work to be carried out to a facility or to an adjacent part of a facility;
  - (viii) it is a source of pollution or presents a risk of damage to the environment; or
  - (ix) in the opinion of the Harbour Master it is otherwise necessary to do so.
- 4.5 The Harbour Master may, from time to time, issue Notices relating to navigation, safety, recreation, fishing and such other purposes regarding the matters set out in paragraphs 1 to 42 inclusive of Part I of the Sixth Schedule to the Act.
- 4.6 The Harbour Master may give such instructions as he may consider fit with regard to the matters set out in Paragraphs 1 to 42 inclusive of Part I of the Sixth Schedule to the Act.
- 4.7 The waiver or forbearance or failure by the Harbour Master or the Company in insisting in any one or more instances upon the performance of any of the provisions of these Bye-laws shall not be construed as a waiver or relinquishment by the Harbour Master or the Company of the Harbour Master's or Company's rights to future performance of such Bye-laws and the obligations in respect of such performance shall continue in full force and effect.

## **5. Regulation of goods within the Harbour**

- 5.1 No Goods shall be deposited on any Quay or in any building, Shed or Harbour Premises except such Goods as are intended to be immediately shipped through the Harbour or have been discharged in accordance with the directions of the Harbour Master or a duly authorised representative of the Company and shall be immediately removed or relocated as the Harbour Master or such duly authorised representative of the Company may from time to time direct.

- 5.2 All Goods to be deposited on any Quay shall be deposited and kept in such a manner as not to interfere with the free and safe passage of Vehicles, including emergency response vehicles, along any Quay, and in accordance with the instructions of the Harbour Master from time to time.
- 5.3 Goods deposited on any Quay shall not be deposited in a manner or location which impedes the mooring or unmooring of any Vessel, or interferes with fire hydrants and any other fire precaution installations and there shall be left between such Goods so deposited and the edge of any such Quay a clear space of not less than two metres and clear of all mooring posts.
- 5.4 All stevedores and other persons engaged in the handling of Goods on any Quay shall be subject to the instructions of the Harbour Master.
- 5.5 Where Goods have been deposited on any Quay in such a manner as to contravene any of these Bye-laws, the Owner of such Goods shall on receipt of a written instruction from the Harbour Master to do so, procure that the Goods be removed to a location nominated by the Harbour Master, and if the Owner fails to comply with such an instruction the Company shall be entitled to cause such Goods to be removed to such location whereupon the Owner shall pay to the Company on demand the costs of such removal and storage.
- 5.6 Goods of a flammable, combustible, explosive or hazardous nature shall be deposited only in such places as shall be directed by the Harbour Master and the Owner of such Goods shall be obliged to obtain the specific directions of the Harbour Master in relation to such Goods prior to their being deposited on any Quay, in any Shed or Harbour Premises.
- 5.7 All Goods deposited on any Quay or in any building, Shed or Harbour Premises shall be so deposited entirely at the Owner's risk and the Owner shall, if directed to do so by the Harbour Master or a duly authorised representative of the Company, appoint a person or persons for the proper surveillance of any such Goods so deposited.
- 5.8 Subject to the continued observance of each of these Bye-laws and provided that reasonable commercial use of any Quay is not interfered with, Goods discharged from any Vessel or intended for export through the Harbour shall be permitted to remain on any Quay upon such terms and for such period of time as the Company shall in its entire discretion from time to time nominate, and the Owner of such Goods shall be liable to pay, in respect of the space occupied by such Goods which continue to remain on any Quay beyond any period of time nominated by the Company, such charges per day as the Company may determine from time to time.
- 5.9 Without prejudice to the Company's rights under Sections 13 and 14 of the Act, all harbour charges payable under these Bye-laws in respect of Goods deposited in

- breach of any of these Bye Laws, shall be paid to the Company before the removal of such Goods from any Quay building or Shed and the Company shall be entitled to detain such Goods until all such payments are made.
- 5.10 The Master of any Vessel unloading or loading any hazardous or dangerous Goods shall not allow any light to be placed in the hold of such Vessel unless it is of an approved type.
- 5.11 Every person engaged in the loading or unloading of any Vessel shall take whatever precautions are necessary and/or as directed by the Harbour Master to prevent any Goods from falling into the waters of the Harbour, and where such occurrence takes place, the immediate removal of such Goods shall be effected by the Master of the Vessel and if for any reason the Master shall fail to do so, the Company shall be entitled to do so and the cost of such removal shall be reimbursed by the Master to the Company on demand by the Company.
- 5.12 Loading and/or discharging of bulk cargos shall only commence when all the requirements of the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (as published from time to time by the International Maritime Organisation) and the European Communities (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 (S.I. No. 347 of 2003) as amended have been complied with and all such loading and unloading shall be carried out wholly in compliance with such Code.
- 5.13 The Master of a Vessel or some officer of the Vessel appointed in that behalf by the Master of the Vessel shall, where Goods are being loaded into or unloaded from any Vessel in the Harbour, superintend the loading or unloading thereof.
- 5.14 The Master of any Vessel engaged in loading, discharging or transferring Goods shall cease or temporarily suspend such work if required to do so by the Harbour Master.

## **6. Use of Cargo Handling Equipment**

- 6.1 The use, within the Harbour, of any Cargo Handling Equipment shall be subject to the following conditions:-
- (a) The use of Cargo Handling Equipment shall be restricted to the handling of Goods belonging to the Owner of such Equipment and not otherwise without the prior consent of the Company.
- (b) Such Equipment shall at all times be under the supervision of a competent person who shall be in constant attendance during its use.

- (c) No repairs shall be carried out to such Equipment while on any Quay without the consent of the Company.
  - (d) No such Equipment shall be driven or towed at a speed exceeding the permitted speed limit within the Harbour from time to time.
  - (e) When not in use, such Equipment, if on any Quay, shall immediately be parked and relocated in such a manner and to such location as the Harbour Master or a duly authorised representative of the Company shall from time to time direct.
  - (f) Such Equipment shall be fitted with sufficient fire extinguishers of a type approved by the Company and no fuel tank of such Equipment shall be filled or emptied in any part of the Harbour except with the permission of the Harbour Master and only in such place as is designated by him for such purpose.
  - (g) All such Equipment shall be maintained by the owner in accordance with the manufacturer's requirements, recommendations and guidelines, a record of which shall be kept and maintained by the owner.
  - (h) The owner of any such Equipment shall undertake and perform such fire prevention measures as shall be directed from time to time by the Company.
  - (i) The owner of such Equipment shall be liable for any damage to the property of the Company or any other person caused by or through the use of such Equipment and shall indemnify the Company against all and any damage to property and/or injury to persons which may be due to the use (authorised or otherwise) of the said Equipment in the Harbour, and the owner shall at all times insure against all such risks and the policy and premium receipts in respect of such insurance shall be produced to the Company on request.
  - (j) A safe working load test shall be carried out by the owner on all lifting appliances, wires, straps, chains, lugs, shackles and beams in accordance with the manufacturer's requirements, recommendations and guidelines, a record of which shall be kept and maintained by the owner and made available for inspection by the Company upon demand.
- 6.2 Notwithstanding the foregoing, no Cargo Handling Equipment or other substantial equipment of any description shall be permitted to be operated on or from any Quay save with the prior written consent of the Company and in accordance with its directions and requirements from time to time. Any movement of Cargo Handling Equipment or other substantial equipment within the Harbour shall comply with all current operating guidelines and shall not be effected without the prior consent of the Company.

6.3 The owner of any Cargo Handling Equipment located on any Quay shall, when so required by the Company, or any Company representative, afford the Company or such representative every reasonable facility to enable him to ascertain whether this Bye-law 6 has been and is being duly observed.

6.4 Persons using Cargo Handling Equipment provided by the Company shall do so at their own risk and shall be liable for any damage caused by or to such Cargo Handling Equipment. Such persons shall pay to the Company the charges which may from time to time be in force for the use of such Cargo Handling Equipment.

## **7. Conduct of persons within the Harbour**

7.1 The Company shall be entitled to regulate the conduct of all persons whilst on the Harbour Premises whether employed therein, visiting or passing through, excluding members of the Garda Síochána and other officers of any Minister of the Government acting in exercise of their lawful duty.

7.2 No person shall, while within the Harbour:

- (a) behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to persons lawfully using or being within the Harbour;
- (b) so conduct himself so as to contravene the requirements of paragraph (a) above, and any person who contravenes or who otherwise continues to contravene of any of these Bye-laws, after having received notice of such contravention from the Harbour Master or any employee of the Company, may forthwith be removed from the Harbour by any such person;
- (c) 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 of the Company within the Harbour;
- (d) climb any building, wall, pier, fence, barrier or post;
- (e) consume alcohol in the public areas of the Harbour or have in his possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and any such person or a person under the influence of intoxicating liquor shall not be allowed to enter or remain within the Harbour;
- (f) consume, inject, inhale or otherwise absorb any Controlled Drugs or solvents, possess, prepare or offer for sale any Controlled Drugs and any such person or a person under the influence of drugs shall not be allowed to enter or remain within the Harbour;
- (g) leave baggage, goods or property unattended;

- (h) fail to comply with all security measures and controls which are in operation within the Harbour whether such measures and controls are imposed under the ISPS Code or otherwise; or
- (i) enter into any restricted areas of the Harbour.

## **8. Obstruction or interference within the Harbour**

### **8.1 No person shall:-**

- (a) except with the permission of the Harbour Master, deposit or place on any part of the Harbour Premises any Goods or park any Vehicle so as to obstruct any road, railway, building, access or mooring place. Designated clearing distances shall be determined by the Harbour Master. No such person shall contravene any signs or markings prohibiting such deposits, placement or parking;
- (b) without lawful authority, use, work, move or interfere with any plant or machinery or any part thereof or any apparatus located on the Harbour Premises; or
- (c) discharge, dump, deposit, release, spill, or cause or permit to fall into or within the Harbour any waste, rubbish, abandoned Vehicles, rubble, stone or any other deleterious material without the permission of the Harbour Master.

8.2 The Harbour Master may remove any such waste, rubbish, abandoned Vehicles, rubble, stone or any other deleterious material without warning using such means as he shall consider fit and in his absolute discretion. Any person who contravenes Bye-law 8.1(c) shall promptly reimburse the Company for any expense incurred by such removal and such payment shall be in addition to any penalties imposed on a conviction pursuant to Section 42(2) of the Act.

- 8.3
- (a) The Harbour Master may authorise the removal of any obstruction within the Harbour, which may be effected without prior notice and for which the Owner may be charged such reasonable fees as shall be determined by the Company.
  - (b) Tenants or licensees of properties owned by the Company shall ensure that any property relating to their business shall not be located within the area immediately adjacent to their premises.
  - (c) Any person carrying on any work on or within the Harbour Premises shall ensure that the Harbour Premises are cleaned at regular intervals during such work and upon completion of such work to the Harbour Master's satisfaction. This obligation shall extend to any employees, or sub-contractors employed or contracted by any such person.

## **SECTION C: REPORTING, NAVIGATION AND REGULATION OF VESSELS**

### **9. Reporting**

- 9.1 The Master of a Vessel crossing mandatory report lines and upon entering the waters of the Harbour shall report its position, direction and speed, by way of general broadcast on the designated Harbour Operations Channel, being VHF Channel 14 or such other Channel as may be determined by the Company from time to time.
- 9.2 The Master, Owner or agent of any Vessel shall, not less than 24 hours prior to arrival or if not possible, immediately upon entering the limits of the Harbour, report such arrival or entry to the Harbour Master giving particulars of manifest, tonnage, cargo consignees and all such other particulars as may be required by the Harbour Master.
- 9.3 The Master, Owner or agent of any Vessel shall, not later than 24 hours prior to departure from the Harbour, report the Vessel's intended departure time to the Harbour Master giving particulars of manifest, tonnage, cargo consignees and such other particulars as may be required by the Harbour Master.

### **10. Vessels to navigate within the Harbour with care**

- 10.1 The Master shall navigate his Vessel with such care and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of other Vessels, or with moorings, river banks or other property, and always subject to such directions as may be issued by the Harbour Master. The Master of the Vessel shall at all times have regard to the effect of a Vessel's wash.
- 10.2 The Harbour Master may regulate the rate or speed of Vessels within the Harbour or any specified portion of the Harbour or in any special circumstances require Vessels to stop or slow their engine at a specific place.
- 10.3 The Master of any Vessel shall not be restricted from overtaking Small Vessels, unless to do so would give rise to a contravention of these Bye-laws. The Master of such a Vessel shall at all times have regard to the effect of the Vessel's wash. Masters or persons in charge of Small Vessels shall undertake all necessary procedures to facilitate faster moving Vessels to freely pass.
- 10.4 The Master of any Vessel, before passing any Vessel engaged in dredging, diving, underwater work, maintenance, repair or other works in progress within the Harbour, shall ease his engines to "dead slow" when within two hundred metres of any such Vessel so engaged until his Vessel has passed at least fifty metres from such Vessel, at all times having regard to the effect of the Vessel's wash.

- 10.5 The Master of any Vessel navigating between Belview Terminal, Co. Kilkenny and Rice Bridge, at the City of Waterford, shall not overtake, or attempt to overtake, another Vessel proceeding in the same direction, or follow too closely in the wake of such other Vessel, but if in the reasonable opinion of the Master there exists a danger to either his own or another Vessel he may navigate his Vessel in such a manner as to obviate such risk or danger, at all times having regard to the effect of the Vessel's wash.
- 10.6 Except with permission of the Harbour Master, the Master of a Vessel shall not cause or permit a Vessel to proceed at a speed greater than 6 knots in the vicinity of Passage East, Co. Waterford, Cheekpoint, Co. Waterford, Belview, Co. Kilkenny, Neptune Marina, Co. Waterford, Waterford City Marinas, or the Cove, Waterford, at all times having regard to the effect of the Vessel's wash.
- 10.7 Owners of Small Vessels shall not put down permanent moorings within the Harbour except with the permission of and at places designated by the Harbour Master. The requirements contained in all applicable Notices to Mariners shall be complied with at all times.
- 10.8. No Vessel may pass westward through Rice Bridge at the City of Waterford from 2 hours after the time of low water to within 2 hours of the time of the succeeding high water or eastward from 2 hours after the time of high water to within 2 hours of the time of the succeeding low water. The Master of a Vessel intending to pass through Rice Bridge at the City of Waterford shall not less than 24 hours prior to the intended arrival time and when approaching the same and at a reasonable distance therefrom give notice to the Bridge Operator and liaise with the Bridge Operator in order to ensure the safe passage of the Vessel.
- 10.9 When two Vessels are about to pass through Rice Bridge at the City of Waterford from opposite directions, the Master of the Vessel going against the tide shall hold his Vessel back until the Vessel going with the tide has passed safely through Rice Bridge. The Master of a Vessel shall not permit such Vessel to lie above or below Rice Bridge so as to obstruct the passage through Rice Bridge.
- 10.10 The Master of a Vessel, or a Vessel towing another within the Harbour, shall when being overtaken by another such Vessel keep so far as it is safe and practicable to that side of the Fairway and mid-channel which lies on the starboard side of such Vessel and shall not offer any obstruction by crossing the River Suir or otherwise to the free passage of the overtaking Vessel.
- 10.11 A Vessel shall not race or attempt to strive or race against another Vessel in the Harbour nor shall any Vessel attempt to come in the wake of another Vessel or pass one proceeding in the same direction, except at a safe distance.
- 10.12 The Master of a Vessel engaged in towing within the Harbour shall keep to that side of the Fairway and mid-channel which lies to the starboard side of such Vessel

and shall navigate with all due caution and regard for passing traffic or Vessels berthed or lying at anchor within the Harbour.

- 10.13 The Master of a Vessel shall, when approaching any dredging machine, diving apparatus, pontoon or other stationery Vessel in any part of the Harbour or any barge, tender or other Small Vessel, whether stationery or in motion, regulate the speed and direction of his Vessel so as not to damage or interrupt the dredging or diving and so as not to injure or endanger the safety of such dredging machine, diving apparatus, pontoon or other Vessel, barge, tender, or other Small Vessel.
- 10.14 No person in a boat shall make fast or attempt to make fast to a Vessel in motion without the previous permission of the Master or the person in charge of such Vessel.

## **11. Operational status of Vessels**

The Master of a Vessel shall comply with and discharge any requirements of the Harbour Master regarding the operational status of the Vessel, and shall not immobilise the Vessel without the Harbour Master's permission.

## **12. Collision regulations**

- 12.1 The Master of a Vessel proceeding through a channel or the Fairway, shall keep as near to the outer limit of the channel or the Fairway which lies on her starboard side, as far as is safe and practicable. The regulations contained in the Collision Regulations shall apply in all waters within the Harbour, unless otherwise specified by the Harbour Master. The Collision Regulations shall be construed as if this By-law 12 were added thereto and the Fairway in its entirety shall be deemed to be a narrow channel within the meaning of the Collision Regulations.
- 12.2 The Master of a Small Vessel, which is not confined to the Fairway, shall not make use of the Fairway so as to cause obstruction to other Vessels which can navigate only within the Fairway.
- 12.3 The Master of a Vessel which:-
- (a) has been involved in a collision with any Vessel or property, or has been sunk or grounded or become stranded within the Harbour; or
  - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its ability to safely navigate or to give rise to danger to other Vessels or property; or
  - (c) in any manner is responsible for or creates an obstruction to the Fairway;

shall forthwith report the existence of such obstruction to the Harbour Master (and as soon as practicable thereafter) provide the Harbour Master with full details in writing, and where the damage to a Vessel is such as to affect or to be likely to affect its sea worthiness, the Master shall not move the Vessel except to clear the Fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

### **13. Grounding in the Fairway or a Channel**

- 13.1 Any Vessel grounding in the Fairway or a channel shall undertake and comply with any requirements of the Collision Regulations and any special instructions given by the Harbour Master.
- 13.2 Except where necessitated by an emergency, no Vessel shall be anchored, moored or placed in a Fairway. Should any Vessel be so anchored, moored or placed by reason of an emergency, it shall be removed from the Fairway as soon as circumstances permit.
- 13.3 Any person who owns or who is in charge of a Vessel that allows her to lie in a Berth where she shall take the ground, shall be responsible for any damage that may occur to her by so doing and any liability resulting therefrom.

### **14. Berthing**

- 14.1 The Harbour Master shall determine and regulate the berthing and movement of all Vessels within the Harbour. The Master of a Vessel shall on entering the Harbour proceed to the Berth (if any) assigned to the Vessel and the Master of a Vessel shall not moor the Vessel at a Berth other than the Berth assigned to the Vessel except with the consent of the Harbour Master.

### **15. Anchors**

- 15.1 The Master of a Vessel using his anchor within the Harbour shall cause a buoy to be fastened to the anchor in such a manner that it can clearly be seen where the anchor has been cast.
- 15.2 The Master of a Vessel moored to a Quay, jetty or pontoon shall not, except by permission of the Harbour Master, lay out the anchor of such Vessel. If a Vessel be moored with her own anchors they must not be placed in a position which may endanger the safety of Vessels navigating or moored in the Harbour. The Master of such Vessel shall remove the said anchor immediately or pay for the cost of its removal.

### **16. Power to move Vessels**

The Master of a Vessel within the Harbour shall moor, unmoor, place or re-moor his Vessel in accordance with the directions of the Harbour Master. If there is no-one or insufficient persons on board the ship to attend to such directions, the Harbour Master may carry out such action and the cost of undertaking such work shall be for the Vessel's account.

**17. Vessels not to block entrance to Harbour**

- 17.1 A Vessel, except with the permission of the Harbour Master, shall not lie, be moored at or block the entrance to the Harbour.
- 17.2 No person shall place any Vessel, anchor buoy or other matter or thing in the Harbour so as to endanger any Vessel or Quay or to obstruct or tend to obstruct navigation.
- 17.3 The Harbour Master may, without notice, remove any obstruction or direct the movement of any Vessel within the Harbour, where its safety or the safety of other Vessels is at risk. The owner of a Vessel may be charged such reasonable fees for any such removal as shall be specified by the Company.

**18. Sufficient mooring**

- 18.1 When berthed or lying at any Berth, dolphin, buoy, mooring post, or Quay within the Harbour, the Master of a Vessel shall at all times keep his Vessel properly and sufficiently moored, having due consideration to the prevailing weather, tidal and current conditions, and the position of other Vessels.

**19. Safe means of access**

- 19.1 Any Vessel within the Harbour shall afford sufficient and safe access thereto and egress therefrom together with all gangways as are required by law including, for the avoidance of doubt, all Marine Notices relating thereto. Gangway nets shall be rigged and each Vessel shall be illuminated as required by law.
- 19.2 Where the Company supplies a gangway for use by a Vessel such gangway shall be deemed to be under the control of the Master of the Vessel who will be deemed to take and use same at his own risk and subject to the insurance cover of the Vessel. The Company will not be liable for any losses of any nature arising from or as a result of the supply to and the use of the gangway by the Master of the Vessel. Such a gangway shall not be used for any purpose other than for the provision of pedestrian access and shall not be used for the passage of machinery, plant, equipment or gear of any kind.

**20. Times of discharge**

The Master of a Vessel entering the Harbour for the purpose of loading or discharging cargo shall cause the cargo to be loaded or discharged as soon as is reasonably practicable, and for such hours as the Harbour Master considers are reasonable, and upon completion shall remove the Vessel to such other part of the Harbour or otherwise as directed by the Harbour Master.

**21. Positioning of Vessels**

The Master of any Vessel (other than a Vessel carrying explosives, petroleum or other hazardous materials), shall not refuse permission to another Vessel to berth outside his Vessel.

**22. Vessels not allowed to work engines, propellers without permission**

The Master of any Vessel shall not, without the permission of the Harbour Master, work its engines or bowthruster or allow its propellers to be worked while any such Vessel is moored within the Harbour.

**23. Vessels to be kept in movable condition**

The Master of any Vessel within the Harbour shall not allow the engine of such Vessel to be immobilized without the permission of the Harbour Master.

**24. Vessels not to be moved without permission**

No person shall remove a Vessel from one Berth to another Berth within the Harbour without the permission of the Harbour Master.

**25. Directions regarding Vessel movements given by Harbour Master**

25.1 The Harbour Master shall be entitled to require the Master of any Vessel to move such Vessel from one Berth to another, or from a Berth to an anchorage within the Harbour, and if such Master shall, on being so required, refuse or neglect to remove such Vessel promptly, or if there be no person on board the Vessel to attend to such removal the Harbour Master shall be entitled to effect such removal and the Master or Owner of such Vessel shall in such event pay to the Company on demand all costs relating to or in effecting such removal.

25.2 A person engaged in loading or unloading any Vessel shall cease working upon such Vessel when required to do so by the Harbour Master in connection with the removal of a Vessel under the foregoing Bye-law.

**26. Sufficiency of crew**

Except with the permission of the Harbour Master, the Master of a Vessel shall at all times when his Vessel is within the Harbour ensure that his Vessel is capable of

being safely navigated and manoeuvred and that there are sufficient crew or other competent persons readily available:

- (a) to tend to the Vessel's mooring and means of access;
- (b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the Vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

**27. Watchman on board at all times**

The Master or Owner of any Vessel, other than Harbour Craft, shall ensure that a watchman is on board at all times, who shall be deemed to be the person in charge of the Vessel during such times.

**28. Provision of lighting**

The Master of any Vessel within the Harbour shall ensure that, during the Night, good and sufficient lighting is provided in accordance with law near gangways, passages and all working areas to ensure the safety of persons embarking or disembarking from such Vessel.

**29. Deposit of refuse into suitable containers only**

- 29.1 No person having charge of the unloading or loading of any Vessel shall permit or allow any waste to be landed or disposed of on any Quay within the Harbour, except into an appropriate container provided by such person or the Company specifically for such purpose.
- 29.2 No material described under Annex V to MARPOL may be placed upon any Quay within the Harbour except into the required special containers appropriately designed and maintained to receive such material.

**30. Cost recovery of unauthorized disposal**

No person shall discard, or permit to be discarded, into the waters of or within the Harbour any waste, rubbish, or material and any person doing so in contravention of this Bye-law shall indemnify the Company on demand in respect of the cost of the removal and disposal of such waste, rubbish, or matter.

**31. Vessels not to berth in certain places**

31.1 A Vessel, except with the permission of the Harbour Master, shall not obstruct any Vessel or slip or steps within the Harbour. No Vessel shall berth or lie so as to overlie a limit post of any Berth.

31.2 The Master of a Vessel shall not permit her to be placed in any position that may endanger any other Vessel or obstruct or interfere with the access by any other Vessel to any Quay, wharf, pier, jetty, pontoon, hopper, berth or landing place without the previous consent of the Harbour Master.

**32. Heating, burning and welding within the Harbour**

The application of heat, or welding or the use of a blow lamp or an oxy-acetylene torch or any other instrument emitting a flame shall not be undertaken on or adjacent to a Vessel whilst within the Harbour without the permission of the Harbour Master. A ship board hot work permit and risk assessment shall be completed and forwarded to the Harbour Master prior to any such work commencing. The lighting of fires in or adjacent to a Vessel whilst within the Harbour is forbidden.

**33. Charges for use of appliances within the Harbour**

Without prejudice to Bye-Law 92, the Company may impose charges for the use of cranes, weighbridges and plant operated or supplied by the Company. The use of such facilities shall be restricted by reference to any limitations governing the use or size as are applicable to the appliance or by reference to such other limitations as the Harbour Master may specify.

**34. Access to Vessel on outboard Berth**

34.1 The Masters and crews of all Vessels occupying Berths at the Quays shall, if so required by the Harbour Master, afford free access over the decks of their Vessels for the movement of persons and Goods to and from Vessels berthed outside and for any other purpose considered to be necessary or desirable by the Harbour Master.

34.2 Every Vessel lying at a Quay shall be so berthed as to lie broadside to the Quay, except where the Harbour Master otherwise directs.

**35. Prohibition of goods for sale within Harbour Premises**

No person, except with the permission of the Harbour Master, shall exhibit or place within the Harbour Premises any Goods for sale other than such Goods as may be sold or exhibited for sale under the provisions of the Merchant Shipping Acts, 1894 to 2014, or by order of the Revenue Commissioners.

**36. Prohibition of commercial activity on Harbour Premises**

No person, except with the permission of the Harbour Master or licence of the Company and payment of the appropriate fees, shall offer any services, participate in, carry on business, or operate any activities of a commercial nature or for pleasure in or on the Harbour Premises. A licence granted under this Bye-law shall not be assignable by the licensee. Where a condition of a licence granted under this Bye-law has been contravened, the licence may be revoked by the Company upon service of 3 days notice.

**37. Vessels for hire**

No person shall offer any Vessels for hire within the Harbour, except with the permission of the Harbour Master and subject to the granting of a licence by the Company on payment of the appropriate fee, and compliance of the Vessel with all of the conditions of the licence. A licence granted under this Bye-law shall not be assignable by the licensee. Where a condition of a licence granted under this Bye-law has been contravened in respect of any Vessel, the licence may be revoked by the Company upon service of 3 days notice.

**38. Unauthorised casting loose of a Vessel**

No person shall remove, loosen, cut, break or destroy any rope or other fastening of any Vessel, unless directed to do so by the Master of such Vessel or by the Harbour Master.

**39. Regulation of bridges and gates within the Harbour**

39.1 The Harbour Master shall regulate the hours during which any swing or lifting bridge, dock gate, sluices or other machinery (“Bridges”) within the Harbour (other than Rice Bridge in the City of Waterford) shall be opened or closed.

39.2 No person shall, without authority of the Harbour Master, open, close or tamper with any Bridges.

39.3 No person shall, without the authority of the Harbour Master, open, close, or tamper with any access gates to Harbour Premises.

**40. Repairs to Vessels**

40.1 No person shall build, reconstruct, repair or immobilise a Vessel within the Harbour without the consent of the Harbour Master.

40.2 No person shall carry out any over side maintenance of a Vessel, including chipping, scraping, or painting without permission from the Harbour Master.

**41. Alterations to and repairs of property of the Company**

No person shall alter or carry out repairs to any property of the Company without the permission of the Company.

**42. Responsibility for damage to Company property**

42.1 Any person who wilfully or otherwise damages any property of the Company shall, in addition to having contravened these Bye-laws, be guilty of an offence under Section 42(2) of the Act and shall pay to and indemnify the Company in respect of the cost of replacing or making good such damage.

42.2 The Master or Owner of any Vessel who negligently or wilfully allows the Vessel to damage any part of the Harbour Premises shall pay to and indemnify the Company in respect of the cost of replacing or making good such damage.

42.3 All damage to any property of the Company by whosoever or howsoever caused shall be reported immediately to the Harbour Master.

42.4 Neither the Company, the Harbour Master nor any authorised officer, agent, employee or otherwise of the Company shall be liable for any loss, theft of or damage to any Vessel, vehicle, equipment, goods, chattels, machinery, contents or any other such item of property whilst same is in or on the Harbour, the Harbour Premises, the Quay or any other premises of the Company.

42.5 Neither the Company, the Harbour Master nor any authorised officer, agent, employee or otherwise of the Company shall be liable for any loss, damage or injury suffered by any Owner, Master, crew or passenger of any Vessel whilst same is in or on the Harbour, the Harbour Premises, the Quay or any other premises of the Company regardless of how such loss, damage or injury may have occurred.

42.6 All persons using any part of the Company's Harbour, the Harbour Premises, the Quay or any other premises of the Company or its facilities for whatever purpose and whether by invitation or otherwise do so at their own risk and neither the Company, the Harbour Master nor any authorised officer, agent, employee or otherwise of the Company shall be liable for any loss or damage which may be suffered or incurred as a result of such use.

42.7 No noisy, noxious or objectionable engines, radio or other apparatus or machinery shall be operated within the Harbour, the Harbour Premises, the Quay or any other premises of the Company so as to cause any inconvenience, nuisance or annoyance to the Company, any other users of the Harbour, the Harbour Premises, the Quay or any other premises of the Company or to any person residing within the vicinity of same.

**43. Removal or relocation of Company property**

No person shall (or shall attempt to) remove or relocate any property of the Company and any person so doing shall pay to and indemnify the Company in respect of the cost of the loss or damage sustained thereby.

**44. Interference with machinery or equipment**

No person shall, without authorisation of the Company, interfere with any machinery or equipment belonging to or under the control of the Company, or climb or be upon any sheds, cranes, plant or other property of the Company or in any way interfere with any Goods or merchandise lying within the Harbour Premises and any person so doing shall pay to and indemnify the Company in respect of all losses and damage caused thereby.

**45. Damage to navigational aids**

The Master of any Vessel which damages any river light, perch, buoy or other property of the Company of a navigational kind within the Harbour, shall report the incident to the Harbour Master immediately and make good all damage caused thereby.

**46. Ballasting**

46.1 The simultaneous action of ballasting and discharging of tankers is prohibited unless segregated tanks are used.

46.2 No ballast shall be allowed to enter the Harbour without the permission of the Harbour Master.

**47. Smoking in any unauthorised part of Vessel or Harbour Premises or use of controlled substances**

The smoking, lighting or burning of tobacco or any other substance whatsoever in any unauthorised part of a Vessel within the Harbour or in any unauthorised place within the Harbour Premises is prohibited. The bringing into or use of any Controlled Drug within the Harbour or the Harbour Premises is prohibited.

**48. Precautions against pollution by Masters**

- 48.1 The Master of any Vessel shall take all necessary precautions to prevent spillage and pollution either caused by or emanating from his Vessel. Without prejudice to any fine or penalty arising upon a conviction the Master of the Vessel and its Owner shall be liable for and shall indemnify the Company in respect of all the costs incurred in cleaning-up and in respect of any damage or liability arising in respect of such spillage or pollution. Pumping of bilges is specifically prohibited within the Harbour and shipside valves shall be sealed to prevent discharge. Any form of spillage and pollution shall be reported to the Harbour Master forthwith.
- 48.2 No Vessel may take on board bunker oil or discharge waste oil within the Harbour before advising the Harbour Master.
- 48.3 Masters of Vessels shall comply with all the requirements of MARPOL.

**49. Vessels to provide fenders**

The Master of any Vessel shall provide his Vessel with fenders or other suitable appliances for the protection of the Quay walls and/or his own or adjoining Vessels.

**50. Abandonment of Vessels prohibited**

- 50.1 No person shall abandon a Vessel on the banks or shore or the Quays within the Harbour.
- 50.2 For the purposes of this Bye-law 50, a person who leaves a Vessel on the banks or shore or the Quays within the Harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it unless the contrary intention is shown.
- 50.3 The determination as to whether a Vessel has been abandoned within the meaning of this Bye-law 50 shall be a matter to be determined by the Harbour Master whose determination shall be final and conclusive on the matter.
- 50.4 Any Vessel which has been abandoned may be removed and disposed of by the Harbour Master. In such a case the Owner and/or Master of the Vessel shall be liable for all costs incurred by the Company in removing and disposing of the Vessel, such costs being recoverable by the Company against the Owner and/or Master of the Vessel as a simple contract debt in any court of competent jurisdiction.
- 50.5 Any Vessel which has been laid up for a period which in the opinion of the Harbour Master is excessive (such determination on the part of the Harbour Master being final and conclusive) shall be deemed to have been abandoned and the Owner

and/or Master shall procure that the Vessel shall be removed from the Harbour forthwith on receiving notice of such deemed abandonment from the Harbour Master. In the event of the Owner and/or Master failing to procure the removal of the Vessel then the contents of Bye-law 50.4 above shall apply in full viz removal and disposal of the Vessel and the Company being entitled to recoup all costs of such removal and disposal from the Owner and/or Master of the Vessel as a simple contract debt in any court of competent jurisdiction.

**51. Master to report stranding's, etc.**

- 51.1 The Master and/or Owner of any Vessel which has sunk, stranded, or been abandoned in the Harbour shall immediately give notice to the Harbour Master as to the position of the Vessel and the lighting, buoying of and its removal.
- 51.2 The Owner and/or Master of any Vessel which has been sunk, stranded, or been abandoned in the Harbour shall indemnify the Company and shall be liable to the Company for the cost of its removal and disposal, such costs being recoverable by the Company against the Owner and/or Master of the Vessel as a simple contract debt in any court of competent jurisdiction.

**52. Obstructions**

- 52.1 No person shall place a net upon any Quay or boat slip or upon the chain or railing of any Quay or boat slip within the Harbour without the permission of the Harbour Master.
- 52.2 No Master or other person in charge of a Vessel shall lay or run a rope, chain or impediment except temporarily in cases of emergency from a Vessel across any steps or stairs leading from a Quay to the water, so as to obstruct the free passage up and down such steps or stairs.
- 52.3 The Harbour Master may, without warning, remove any obstruction within the Harbour. The owner of any such obstruction shall indemnify the Company and shall be liable to the Company for the cost of its removal.

**53. Mooring equipment**

- 53.1 The Master of every Vessel moored at any Quay shall fix mooring lines to the mooring posts, mooring rings or bollards for that purpose.
- 53.2 No Master of a Vessel shall make fast to any hopper or pontoon, crane, Quay, fenders, lamp posts, electric light posts, sheds or any Harbour Premises save and except any wharf or mooring rings, posts or buoys which may be provided for the purpose.

**54. Adjustment of mooring lines**

The Master of every Vessel in any Berth shall ensure that mooring lines are adjusted to allow for the rise and fall of the tide.

**55. Clear channel prior to departure**

The Master of every Vessel departing from any Berth shall ensure that the channel of departure is clear before he casts off.

**56. Fumigation of Vessels**

56.1 Without prejudice to the powers of the Chief Medical Officer or the Medical Officer of Health acting under the provisions of the Infectious Diseases Regulations, 1981 (as amended by the Infectious Diseases (Amendment) Regulations 1985 to 2011) and the Infectious Diseases (Shipping) Regulations, 1948 to 2008, no Vessel shall be fumigated within the Harbour for the destruction of vermin or for any other purpose without the permission, in writing, of the Harbour Master, such operations being at the risk of the Master of such Vessel. Any such permitted works of fumigation shall require the prior agreement of the Harbour Master as to the date on which same shall be carried out and the furnishing to the Harbour Master of the identity and appropriate qualifications of the designated fumigator in advance of such agreed date.

56.2 The Master of every Vessel shall ensure that rat-guards are placed at all moorings.

**57. Livestock**

57.1 All loose livestock intended for import or export shall be placed in pens provided for such purpose, by the shipper, until ready for transport in compliance with all Department of Agriculture Regulations and shall not be allowed to remain in any shed or on the Quays.

57.2 No person shall bring or attempt to bring ashore any animal, bird, reptile or insect in contravention of any law or regulation, statutory or otherwise.

**58. Notification of carriage of dangerous goods**

The Master of any Vessel having on board hazardous Goods or dangerous Goods shall notify the Harbour Master twenty-four hours prior to his intended arrival in the Harbour of such fact and of the nature and quantity of such Goods on board.

**59. ISPS Code compliance and notification**

No Vessel shall be permitted to enter the Harbour unless it is fully in compliance with the ISPS Code (Level 1) and prior to entry to the Harbour the Master shall confirm to the Harbour Master that the Vessel is so compliant.

**60. Designated anchorages**

The Master of every Vessel arriving in the Harbour, who is required for whatever reason to proceed to anchor, shall only do so in designated areas relative to the Vessel's size, draft and cargo, and in accordance with the directions of the Harbour Master.

**61. Hatches etc. to be kept closed unless otherwise permitted**

61.1 The Master of a Vessel lying at any Quay within the Harbour shall procure that the hatches and other openings on the deck of the Vessel shall be kept closed unless otherwise permitted by the Harbour Master except while work of loading or unloading Goods is being undertaken. When the hatches or other openings of a Vessel which is not being loaded or unloaded are left uncovered by permission of the Harbour Master, such hatches or openings shall be fenced to a height of one metre where the coamings are less than 0.75 metres in height. Such hatches or openings shall be adequately illuminated at Night. Hatch covers may only be placed on the Quay with the permission of the Harbour Master and sufficient precautions shall be taken to avoid any damage to the Company's property.

**62. Holds to be sufficiently lighted**

The Master or Owner of a Vessel which is loading or discharging Goods at Night shall, so as to enable such work to be safely performed, maintain adequate lighting in each hold of the Vessel.

**63. Vessels loading or discharging not to obstruct other Vessels**

63.1 The Master of a Vessel loading or discharging Goods at a Quay shall place such Vessel, and load or discharge such Goods, so as not to obstruct other Vessels from being discharged, loaded, navigated or moored.

63.2 The Master or Owner of any Vessel loading or discharging Goods shall, at the request of the Harbour Master, ensure that the deck of the Vessel is clear of any articles which may impede the loading or discharge of Goods.

**64. Persons not to interfere with lamps, lights or buoys of the Harbour**

No person shall extinguish or attempt to extinguish or interfere in any way with the lamps, lighting towers and any other method of illumination on the Quays or with any of the navigation lights, or buoys within the Harbour.

## **65. Laid-up Vessels**

- 65.1 The Master or Owner of a Vessel intending to be laid-up within the Harbour shall report same to the Harbour Master. Where the Harbour Master is of the opinion that the laying up will not interfere with the working of the Harbour, such Vessel may be laid-up in a position as designated by the Harbour Master for as long as he may see fit and at the sole risk of the Owner. The Master or Owner of such a Vessel shall ensure that the Vessel is securely moored and is provided with a minimum crew as the Harbour Master may require.
- 65.2 If the Master or Owner of the a Vessel with cargo which has been discharged, or a Vessel without cargo on arriving in the Harbour, shall fail to report to the Harbour Master, as provided by Bye-law 9 then from and after the expiration of seven days from the date of the discharge or arrival of such Vessel as the case may be such Vessel if it remains in the Harbour shall be deemed to be laid up in the Harbour.
- 65.2.1 The Owner of a Vessel during the time such Vessel is laid-up shall pay the Company such harbour charges as are determined by the Company from time to time and in the event of a failure to discharge same the Company shall be entitled to exercise its power of sale and other remedies in respect thereof under Section 14 of the Act.
- 65.4 This Bye-law shall be read in conjunction with the provisions of Bye-law 50. above.

## **66. Safety and lifesaving appliances**

No person shall damage, remove, interfere with or render useless, wilfully or otherwise, any safety and/or lifesaving appliance provided by the Company otherwise than in the course of saving human life. Any person who contravenes this Bye-law shall indemnify the Company in respect of the cost of providing a replacement therefor.

## **67. Fishing**

- 67.1 A person may not fish in the Harbour waters from a Quay or any other part of the Harbour Premises without the written permission of the Harbour Master.
- 67.2 The Harbour Master may issue Marine Notices from time to time regulating the use of the Harbour for fishing.

## **68. Bathing**

No person shall bathe at or from any of the Quays, wharves, piers, jetties, pontoons, steps or landing places or from any Vessel in the Harbour except at or from such places as may from time to time be appointed by the Company for that purpose.

**69. Authorised linesmen**

No person, unless authorised by the Harbour Master to do so, shall cut or cast off any mooring chain, rope or wire securing a Vessel to a Quay without having obtained the prior permission of or instructions from the Harbour Master. No person may be authorised under this Bye-law unless the Harbour Master is satisfied that the applicant has undertaken sufficient training and has furnished his or her Safety Statement to the Company's Safety Officer. No liability shall be accepted by the Company in respect of any actions taken by such linesmen who are present at the Harbour in their capacity as independent third party contractors and who are not present at the Harbour in the capacity of employees, servants or agents of the Company. This Bye-law 69 shall be read in conjunction with the most up to date Linesmen Code of Practice for Mooring Operations in force at any given time together with any such further or other Codes of Practice as may be in force at any given time.

**70. Races, regattas and processions**

On the occasion of any race, regatta, or public procession the Masters of Vessels within the Harbour shall cause them to navigate so as not to obstruct, impede or interfere with such race, regatta or procession, or to endanger the safety of any persons assembled thereat, and shall obey all directions given by the Harbour Master or any person authorised by the Company to superintend the execution of this Bye-law. Without prejudice to the foregoing, commercial traffic shall take precedence and any permitted race, regatta or public procession shall not impede commercial traffic and shall be strictly subject to the Company's most up to date Requirements for Public Events on the Water in force at any given time.

**SECTION D: SECURITY WITHIN THE HARBOUR**

**71. Compliance with ISPS Code**

Every person entering into any part of the Harbour shall comply with all directions issued to that person from time to time by the Harbour Master, Port Facility Security Officer, Alternate Port Facility Security Officer or Port Security Guard, which relate to or arise from the obligations of the Company to ensure the security of the Harbour and compliance with the ISPS Code. The Company shall be entitled, from time to time to issue such Security Notices or supplementary Bye-laws as it shall consider fit from time to time for the management and security of the Harbour and all Security Notices and supplementary Bye-laws shall be read as one with and shall be deemed to form part of these Bye-laws and any failure to comply with the same shall be deemed a contravention of these Bye-laws.

**72. Use of firearms on Harbour Premises**

No person other than a member of the Garda Siochana or the Defence Forces in discharge of his duties shall be permitted to carry, use or discharge firearms or imitation firearms on any part of the Harbour Premises save with the prior consent of the Harbour Master. The Master of a Vessel shall ensure that appropriate measures are entered into to keep and preserve the security of any such authorised firearms within the Harbour Premises.

**73. Wilful obstruction**

No person engaged in any protest, picket, assembly or march within the Harbour shall wilfully obstruct the free passage of any Vehicle, person or Vessel moving upon or within the Harbour Premises, or to aid or abet such obstruction by any means whatsoever in the furtherance of any cause.

**74. Loitering**

No person shall enter the Harbour Premises or any other property of the Company except for the purpose of lawful business and any person entering the Harbour Premises or such property in contravention of this Bye-law shall leave immediately if requested to do so by the Harbour Master or other duly authorised representative of the Company.

**75. Property access without Permission**

No person whose property affords access to or gives entry to the Harbour Premises shall permit any persons to enter or leave the Harbour Premises save in accordance with the Company's directions from time to time.

**76. Gate access**

Gates affording access to the Harbour Premises shall be opened and closed at the Company's discretion. All authorised key holders shall ensure that all gates are secured after use and failure to do so shall constitute an offence within the meaning of Section 42(2) of the Act.

**77. Acts of nuisance**

No person shall be permitted to undertake within the Harbour any act, which in the opinion of the Harbour Master, constitutes a nuisance.

**78. Idle or disorderly persons**

Any idle or disorderly person shall forthwith leave the Harbour Premises if requested to do so by the Harbour Master or other duly authorised representative of the Company. If such a person fails to comply with such a request he or she may

be removed by the Harbour Master or a duly authorised representative of the Company at any time.

**79. Photography**

A person shall not without the prior written permission of the Harbour Master take photographs or record a film by any method nor shall any person make a sketch, plan, drawing, painting, etching or other pictorial or written record on any part of the Harbour Premises or Company's property.

**80. Prostitutes not to be allowed On Vessels**

A Master or member of the crew of any Vessel in the Harbour shall not allow any person to go or remain onboard any Vessel for the purposes of prostitution.

**81. No loitering in Harbour Premises**

A person shall not loiter on Harbour Premises for the purposes of prostitution or to solicit or importune any person for the purposes of prostitution.

**82. Denial of access to Harbour Premises**

The Company may deny access to any person or persons seeking admission to or while on the Harbour Premises.

**83. Stowaways**

The detection by the owner or Master of a Vessel of any stowaways or illegal immigrants or asylum seekers shall be reported immediately to the Harbour Master.

**84. Admission to Vessels**

The Company's officers or employees may at any time whilst a Vessel is within the Harbour, board such Vessel and inspect it or any part of it in the execution of their duty.

**85. Information concerning ownership of Vessels**

- 85.1 If required by the Company the owner of a Vessel or of a share in a Vessel owned by him, shall furnish the Company with particulars in writing signed by him, of the nature and extent of his legal or beneficial ownership therein. He shall also deliver to the Company true particulars of the gross and net register tonnage of such Vessel signed by him, upon being so required by the Harbour Master.

85.2 In case of a change in the ownership of a Vessel, the former owner shall give notice to the Company of such change, specifying the name and address of the new owner, and the new owner shall within 14 days after such change give notice to the Company of his ownership, signed by him.

85.3 The former owner of a Vessel shall continue to be liable in respect of such Vessel as fully in all respects as if he were the actual owner in respect of any liability incurred in respect of the use of the Vessel within the Harbour prior to the change of ownership.

**86. Use of offensive or insulting Language**

No person employed within the Harbour shall use any offensive or insulting language to any other person or shall obstruct, hinder, impede, resist or assault any officer, servant or employee of the Company in the exercise or performance of his duty.

**SECTION E: REGULATION OF FERRIES WITHIN THE HARBOUR**

**87. Regulation of Ferries**

87.1 The Harbour Master may regulate the taking on board, landing, the putting down of passengers and the manner in which any Ferry may carry on operations from or within the Harbour. All Ferries plying in the Harbour shall be subject to the instructions of the Harbour Master, and shall, by way of general broadcast, on the designated Harbour Operations Channel, being VHF Channel 14, make known their intention, on each occasion, to depart from or arrive at any Quay within the Harbour.

87.2 No Vessel shall carry passengers for recreational or commercial purposes within or from the Harbour unless it holds either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, issued pursuant to the Merchant Shipping Acts 1992 to 2014, as amended, and any additional licences or certificates as may be required by law whether by statute, regulation or otherwise. A Passenger Boat Licence, Passenger Ship's Safety Certificate or other licence or certificate required hereunder shall be furnished to the Harbour Master on demand.

87.3 The Master of any Vessel which is licensed to carry passengers for recreational or commercial purposes shall navigate and operate his Vessel subject to the terms of a licence from the Company and to the directions of the Harbour Master in force from time to time.

87.4 Where a condition of a licence granted under this Bye-law has been contravened in respect of any Vessel, the licence may be revoked by the Company upon service of 3 days notice.

- 87.5 All Ferries when transiting within the Harbour shall at all times give way to commercial Vessels using the Fairway or any navigation channel within the Harbour.
- 87.6 All Ferries, while underway, shall ensure that an operating transponder beacon, to the specification required by the Harbour Master, shall be in use at all times.
- 87.7 No person shall operate a Ferry within the Harbour unless (a) he holds a policy of insurance against public liability, employer's liability and such other liability as is required by law, (b) the terms and level of insurance under the policy referred to in paragraph (a) have been first approved by the Harbour Master prior to the commencement of operations and (c) he furnishes a copy of the policy referred to in paragraph (a) to the Harbour Master prior to the commencement of operations.

## **SECTION F: REGULATION OF TUGS WITHIN THE HARBOUR**

### **88. Regulation of Tugs**

- 88.1 The Harbour Master may regulate the manner in which any towage is carried out within the Harbour. All tugs operating within the Harbour shall be additionally subject to the directions of the Harbour Master in respect of the size and number of Vessels to be towed in one train, the length of tow and the speed at which the tow shall proceed. In the interests of the safety of persons and property, the Owners and operators of tugs employed to assist in the berthing and manoeuvring of Vessels within the Harbour shall comply with the following minimum requirements:
- (a) The tug shall only be authorised if it is within a group of tugs classified by a member of the International Association of Classification Societies and is maintained within its Class at all times.
  - (b) All tugs shall be manned by a competent, qualified crew in accordance with the requirements of both the jurisdiction in which it is registered and Irish law.
  - (c) Before any tug commences any operations within the Harbour the Master shall satisfy and demonstrate to the satisfaction of the Harbour Master his knowledge of local conditions within the Harbour.
  - (d) All tugs shall operate an internationally recognised quality management system of a kind acceptable to the Harbour Master.
  - (e) All tugs when underway shall ensure that an operating transponder beacon to a specification acceptable to the Harbour Master, is in use at all times.

- (f) If required by the Harbour Master all tugs shall be subjected to a bollard test in the presence of the Harbour Master or any other designated officer of the Company.
- 88.2 All towage undertaken by the Company's tugs is subject to the Company's standard conditions for towage and related services as applicable.
- 88.3 The Company may, on application being made to it by a person who is the *bona fide* owner and/or operator of a tug to which the foregoing Bye-laws apply, and, after having consulted with the Harbour Master, grant to that person, in accordance with and subject to the requirements of this Bye-law 88.3, a waiver (in this Bye-law referred to as "a Tug Bye-law Waiver). The holder of a Tug Bye-law Waiver shall be exempt from such Bye-law or Bye-laws referred to in a Tug Bye-law Waiver (other than Bye-laws 88.1(b), (c), (e) and (f)) for the period referred to therein.
- (a) A Tug Bye-law Waiver may be granted subject to such conditions as the Company in its absolute discretion thinks fit.
  - (b) A Tug Bye-law Waiver shall specify the period for which it shall have effect which shall not be more than one year from the date on which it is granted or renewed.
  - (c) The Company may suspend or revoke a Tug Bye-law Waiver in such circumstances specified therein or if the Company is of the opinion that the holder thereof is not in compliance with the other Bye-laws of the Company from time to time and/or the laws and regulations referred to in Bye-law 88.3(d) and/or if such suspension or revocation would be in the interests of the safety of persons and property within the Harbour.
  - (d) For the avoidance of doubt the holder of a Tug Bye-law Waiver shall continue to be subject to all applicable laws and regulations as are in force from time to time within the State relating to the tug the subject of the Tug Bye-law Waiver and its operations.
  - (e) A Tug Bye-law Waiver may be renewed by a Company subject to and in accordance with the foregoing requirements and may treat an application therefor as if it were a *de novo* application for a Tug Bye-law Waiver.
  - (f) The decision by a Company whether or not to issue or renew a Tug Bye-law Waiver shall be made in the absolute discretion of the Company and the Company shall not be required to furnish any reasons in connection therewith.

## **SECTION G: REGULATION OF VEHICLES WITHIN THE HARBOUR**

### **89. Regulation of Vehicles**

- 89.1 No person shall drive or otherwise operate a Vehicle within, drive animals over or traverse the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and shall comply with all speed and other restrictions as prescribed by the Company. Such person shall also use the designated roads and walkways where provided and also shall comply with all directions issued by representatives of the Company relating thereto.
- 89.2 The owner, driver or other person having charge of a Vehicle within the Harbour Premises shall ensure that any Goods carried thereon or therein are properly secured and that the Vehicle and its load comply with all statutory restrictions which apply to the public highway, as to the weight of Goods to be carried, and the dimensions of the load (including the Vehicle). The driver of such a Vehicle shall also ensure that the Vehicle is loaded in such a manner as to prevent any loss or spillage of the Goods, and if necessary, he shall cover the Goods to prevent spillage or other loss. Any person engaged in the transport by Vehicle of any loose Goods who permits the same to fall from their Vehicle onto any Quay or other part of the Harbour Premises shall immediately effect the recovery of such material failing which, the Company shall be entitled to do so and the cost of such recovery shall be reimbursed by such person to the Company on demand by the Company.
- 89.3 No person shall-
- (a) except with the permission of the Harbour Master, deposit or place on any part of the Harbour Premises any Goods or park any Vehicle so as to obstruct any road, railway, building, mooring place, plant, machinery or apparatus or the access thereto; or
  - (b) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus within the Harbour Premises.
- 89.4 No person shall allow a Vehicle to proceed anywhere in the Harbour Premises at a speed greater than 15 km per hour in the case of road Vehicles, and 10 km per hour in the case of Vehicles on rails.
- 89.5 The owner, driver or other person having charge of a Vehicle on the Harbour Premises shall not permit any substance to leak, spill or drop from the Vehicle.
- 89.6 No person shall within the Harbour Premises charge or recharge any Vehicle or Vessel with, or empty it of, fuel except with the permission of the Harbour Master. The Company's requirements concerning bunkering shall be complied with and a bunker checklist completed prior to the commencement of bunkering.
- 89.7 Every person in charge of any Vehicle on the Harbour Premises shall upon demand or upon a signal being made by any person in charge of any train, locomotive,

- shunting tractor or railway wagon, give precedence to and allow the free and uninterrupted passage of such rail-stock.
- 89.8 No person shall drive or otherwise operate a Vehicle across any weighbridge within the Harbour Premises except for the purpose of weighing a Vehicle.
- 89.9 Any person driving or otherwise operating a Vehicle which is involved in an accident within the Harbour Premises 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 and provide particulars of the accident to the Harbour Master as soon as is reasonably practicable thereafter and shall give his name and address to the Harbour Master.
- 89.10 Any person driving or otherwise operating a Vehicle within the Harbour Premises shall ensure that it complies with all statutory requirements governing the use of a Vehicle in a public place or on a public highway, and any other requirement imposed by the Harbour Master. Without prejudice to the generality of the foregoing, an owner shall ensure that at all times he has the benefit of a policy of insurance providing not less than the extent of cover required by law and such other insurance as would be ordinarily obtained having regard to use within the Harbour Premises for the use of his Vehicle and at all times comply with the terms of such insurance.
- 89.11 Any person driving, loading, unloading or otherwise operating a Vehicle shall comply with the directions of the Harbour Master, or any duly authorised representative of the Company, in relation to parking, removal loading, unloading or operation of the Vehicle.
- 89.12 Any Vehicle which is parked in a manner which contravenes these Bye-laws may be removed by the Company to a compound for storage or disposal and the costs of storage or disposal shall be borne by the owner of the Vehicle. If the costs of such storage or disposal shall not be discharged within seven days after demand thereof made upon the owner or if, following the making of reasonable enquiries, no such owner can be found, the Company may sell such Goods and out of the proceeds of such sale discharge such costs and hold the balance pending identification of the ownership of the Vehicle. Any person authorised to remove, store or dispose of the Vehicle, shall not be liable for any loss or damage resulting to such Vehicle unless caused by the wilful neglect or default of such person.
- 89.13 Where the Harbour Master or a duly authorised representative of the Company determines that a Vehicle is at rest in contravention of any Bye-law, regulation or direction made by the Company or the Harbour Master, he may affix an immobilisation device to the Vehicle or remove it to another place and there affix an immobilisation device.

- (a) When an immobilisation device has been affixed to a Vehicle in accordance with this Bye-law 89.13, a warning notice shall also be affixed thereto indicating that an immobilisation device has been affixed and that no attempt shall be made to drive the Vehicle or otherwise put it in motion, and specifying the steps to be taken including such charges as are required to be discharged to secure its release. No person shall remove or interfere with any notice or immobilisation device affixed to a Vehicle.
  - (b) A Vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of a duly authorised representative of the Company, in the manner specified in the notice affixed to the Vehicle under this Bye-law 89.13, and subject to the receipt of the sum specified in the said notice.
- 89.14 The driver of any Vehicle within the Harbour Premises shall not fill or empty the fuel tank of any Vehicle other than in an area designated for such a purpose or allow any fuel, oil, or other like substance to escape from any Vehicle onto any roadway, Quay or other place within the Harbour Premises.
- 89.15 The driver of any Vehicle shall switch off its engine, apply the handbrake or parking brake or otherwise take measures to ensure that the Vehicle cannot move or be set in motion by accident or otherwise, before leaving the Vehicle unattended. A Vehicle may only be left unattended within the Harbour premises in designated parking areas.
- 89.16 The driver of a Vehicle shall not attempt to drive or to take charge of any Vehicle when under the influence of alcohol to such an extent as to be incapable of having proper control of the Vehicle or if under the influence of drugs.
- 89.17 Where a Vehicle contains Goods to be delivered to or removed from the Harbour Premises, the driver of the Vehicle shall provide to a duly authorised representative of the Company evidence of a kind acceptable to such representative authorising him to be in possession of such Goods.
- 89.18 The registration book or licencing certificate and insurance certificate of the Vehicle and the driver's driving licence, shall be produced to a duly authorised representative of the Company, for inspection on demand.
- 89.19 No Vehicle shall be stopped or left unattended within the Harbour Premises without the permission of a duly authorised representative of the Company. If such permission is not granted, the Company may cause it to be removed to some convenient place and there detained at the cost and risk of the Owner.
- 89.20 Any person in breach of this Bye-law 89 may be excluded from entering onto Harbour Premises, at the discretion of, and for such period of time as determined by the Harbour Master.

- 89.21 The following Vehicles are exempt from the application of this Bye-law 89:-
- (a) any Vehicle which is being used on an official basis by a duly authorised representative of the Company; or
  - (b) any Vehicle driven by a member of the emergency services for the purposes of attending to an emergency.

## **90. Regulation of bicycles**

- 90.1 No person shall operate a bicycle within the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and only on designated cycle paths and in designated places in accordance with any directions of the Harbour Master or a duly authorised representative of the Company. All persons operating a bicycle shall be obliged to wear a “Hi-Viz” jacket or vest and shall ensure that the bicycle has appropriate lighting fitted and in good working order during the hours of dusk/darkness.
- 90.2 Where a bicycle is left unattended, except at a designated parking area, it may be removed and stored by the Company and the owner of the bicycle shall be liable for the cost of this removal and storage in addition to any penalty which may be levied as a result of the breach of this Bye-law.

## **SECTION H: OTHER BYE-LAWS AND NOTICES**

### **91. Other Bye-laws and Notices**

- 91.1 The following Bye-laws and Notices shall be deemed to be incorporated in and form part of these Bye-laws;
- (a) The Waterford Harbour Commissioners Dangerous Goods (Cargoes) Bye-laws 1989;
  - (b) Explosives (Port of Waterford Company) Bye-laws 2014;
  - (c) Notices to Mariners.
- 91.2 Subject to subsection (4) of Section 42 of the Act, the Company may make such other Bye-laws and may issue such Notices as it shall consider fit from time to time for the management of the Harbour. Unless the contrary intention appears, all such other Notices shall be deemed to form part of these Bye-laws
- 91.3 Copies of these Bye-laws and all Bye-laws and Notices issued pursuant to this Bye-law shall be made available by the Company in accordance with subsection (5) of Section 42 of the Act.

## **SECTION I: HARBOUR CHARGES**

## **92. Harbour Charges**

- 92.1 The Company shall be entitled in accordance with Section 13 of the Act to impose charges (“Harbour Charges”) for the use of its facilities (including any services which it shall from time to time provide) at such rates as the Company shall in its discretion determine from time to time and publish in a Schedule of Charges. All Schedules of Charges so determined and published by the Company may be varied from time to time at the discretion of the Company and evidenced by the publication of a subsequent Schedule or Schedules of Charges.
- 92.2 Without prejudice to its rights under Sections 13 and 14 of the Act the Company shall be entitled to exercise a lien over the Goods and/or Vessel in the ownership, possession or control of any Owner, Master or other persons liable to pay Harbour Charges who fails to pay any Harbour Charges or any other sum from time to time payable by that Owner, Master or person in respect of any services and/or facilities of the Company provided to such Owner, Master or person.
- 92.3 Unless otherwise specified in writing by the Company, Harbour charges and other sums, charges, penalties, outgoings, costs, damages, expenses and reimbursements payable under these Bye-laws to the Company (whether in respect of breach of these Bye-laws or otherwise) shall fall due for immediate payment upon issue of written demand to the person liable therefor.
- 92.4 If any person (whether an Owner, Master, Agent or otherwise) shall fail or refuse to pay to the Company, within 30 days of written demand, such Harbour Charges, and other sums, charges, penalties, outgoings, costs, damages, expenses, or reimbursements, for which that person shall be liable to discharge, interest shall accrue thereon from the date of demand until the date of ultimate payment at the rate of 2% in excess of the rate from time to time prescribed by the Courts Act, 1981 to be paid on summary judgments or awards. In addition, such person shall also be liable to the Company for the reasonable legal costs and expenses incurred by the Company in seeking and recovering payment of any Harbour Charges or other such sums due.

## **SECTION J: ENFORCEMENT AND PENALTIES**

### **93. Harbour Master and representatives of the Company**

- 93.1 Subject to the provisions of the Acts, the Harbour Master and/or a duly authorised representative of the Company shall have responsibility for the enforcement of these Bye-laws and all notices or regulations made by the Company in relation to the Harbour.
- 93.2 Where the Harbour Master or a duly authorised representative of the Company suspects that any of these Bye-laws may have been contravened by any person,

such person may be required to supply his correct name and address the Harbour Master or the duly authorised representative of the Company.

- 93.3 Where the Harbour Master or a duly authorised representative of the Company reasonably believes that there has been a contravention of these Bye-laws by the driver of a Vehicle, or Master of a Vessel, the Harbour Master or the duly authorised representative of the Company may require to be furnished with the name and address of the driver and the Owner of the Vehicle, or the Master and Owner of the Vessel. In addition, the Harbour Master or a duly authorised representative of the Company may search the Vehicle or Vessel in question.
- 93.4 All persons, Vessels, Vehicles, Goods and baggage and moveable property of any description while entering or on the Harbour Premises, may be subject to search by the Harbour Master or a duly authorised representative of the Company in accordance with procedures established by the Company, in connection with the implementation of the requirements of ISPS Code or any other security requirements which may be stipulated from time to time by the Company.
- 93.5 No person shall obstruct, or attempt to obstruct, the Harbour Master or any duly authorised representative of the Company in the discharge of his lawful duty.

#### **94. Penalties**

- 94.1 Any person who contravenes or otherwise fails to comply with any of these Bye-laws or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-laws shall be guilty of an offence pursuant to Section 42(2) of the Act and, in addition, may be guilty of an offence pursuant to Sections 46, 50, 52, 53, 60 or 77 of the Act and shall be liable, in the case of an offence pursuant to Section 42(2) of the Act on summary conviction, to a fine not exceeding €5,000 pursuant to Section 6(2) of the Act (as amended by Section 58 of the Maritime Safety Act 2005) and in the case of an offence under Sections 46, 50, 52, 53, 60 or 77 of the Act on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both or, on conviction on indictment, to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both pursuant to Section 6(1) of the Act (as amended by Section 58 of the Maritime Safety Act 2005).
- 94.2 Any Master of a Ship who refuses or fails to comply with any direction given by the Harbour Master in the exercise of the powers conferred on him by Section 46 of the Act shall be guilty of an offence pursuant to Section 46 of the Act and shall be liable, *inter alia*, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both.

- 94.3 Any person who obstructs or impedes the exercise of a power conferred on the Harbour Master by the Act or an instrument made thereunder shall be guilty of an offence pursuant to Section 50 of the Act and shall be liable, *inter alia*, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both.
- 94.4 Where the commission by any person of any contravention of these Bye-laws is due to the act or default of some other person, that other person shall be deemed to be in contravention of these Bye-laws and that other person may be charged with, and convicted of, the offence by virtue of the Acts whether or not proceedings for the offence are taken against any other person.
- 94.5 In any proceedings for an offence under these Bye-laws, it shall be a defence for the person charged to prove:-
- (a) that he took all reasonable precautions and exercised all due diligence to avoid the committing of such offence; or
  - (b) that he had a reasonable excuse for his act or failure to act.
- 94.6 If in any case the defence provided by Bye-law 94.5 involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence, unless, within a period ending seven clear days before the hearing he has served on the prosecutor a notice, in writing, giving such information identifying or assisting in the identification of that person as was then in his possession.

## **95. Reporting**

Any person who reasonably suspects that another person has contravened these Bye-laws or that an accident or incident shall have occurred within the Harbour shall notify the Harbour Master forthwith and will complete a written report.

## **96. Investigations**

The Harbour Master or a duly authorised representative of the Company may carry out such investigations, take such statements, make such enquiries and seek such information as may be considered by him to be necessary for the purposes of carrying out and discharging his functions as Harbour Master or duly authorised representative of the Company under these Bye-laws, including, but not limited to health and safety, security, any accident, fire, environmental or polluting incident or potentially polluting or contaminating incident arising within the Harbour or involving in his opinion any damage to property or injury to persons within or adjacent to the Harbour.

**97. Uses**

The Harbour Master may restrict, ban or otherwise control as he sees fit the use of jet skis and other motorised vessels in the Harbour.

**98. Harbour Safety**

All users of the Harbour must obey the safety signs and all instructions applying to the Harbour.

**99. Diving at Work Activities**

99.1 Diving operations to be carried out in the Harbour, the Harbour Premises or the Quay require the prior approval of the Harbour Master and if approved shall comply with the requirements of the Safety in Industry (Diving Operations) Regulations 1981 (S.I. No. 422 of 1981) in addition to the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007, as amended.

99.2 Professional or commercial dive qualifications are required for all personnel participating in permitted diving at work activities at the Harbour, the Harbour Premises or the Quay and proof of such qualifications for all such personnel shall be furnished to the Harbour Master in conjunction with the application for the Harbour Master's prior approval of such work.

**PRESENT when the COMMON SEAL  
of PORT OF WATERFORD COMPANY was affixed hereto**

**Dated this .....day of .....2015**

.....  
**Director**                      **Director/Secretary**

## SCHEDULE

### The Fairway

1. The outward limit of the Harbour is an imaginary arc with radius of 6.44 kilometres drawn seaward from a point midway between Falskirt Rock and Hook Point.

**From the Outward Limit of the Harbour** the fairway from sea to the Duncannon Bar commences inside this arc and is bounded on the Eastern side by an imaginary straight line drawn from 3 cables off Hook Point to the number 1 buoy and on the western side by the 10 metre contour line abreast of Dunmore East Light House, thence by the 5 metre contour line abreast of Creaden Head and thence by an imaginary straight line to the number 2 buoy.

2. **From the Outer Bar to Duncannon Fort** the fairway is bounded on the Eastern side by an imaginary straight line drawn from the number 1 Buoy to the 5 metre contour line off Duncannon Fort Lighthouse and on the western side by an imaginary straight line drawn from the number 2 Buoy to the number 4 buoy and on to the Drumroe Bank buoy showing a red flashing light.
3. **From Duncannon Fort to Passage East** the fairway is bounded on the Eastern side by the 5 metre contour line and on the Western side by the Drumroe bank buoy and Passage Spit Light beacon showing a flashing red and white light.
4. **From Passage East to Seedes Bank Buoy** the fairway is bounded on the Eastern side by the 5 metre contour line and the Seedes bank South buoy showing a green flashing light and on the Western side by the 5 metre contour line.
5. **From Seedes Bank Buoy to Sheagh Light Beacon** the fairway is bounded on the Eastern side by the 5 metre contour line marked by the Carters patch North and South buoys and on the Western side by the 5 metre contour line.
6. **From Sheagh Light Beacon to Flourmill Light Beacon** the fairway is bounded by the 5m contours. The maintained channels at upper and lower Cheekpoint bars are within the fairway.
7. **From Glasshouse Lighthouse to Guidebank** the fairway is bounded on the western side by the 5 metre contour line, including the berth face at Belview and O'Brien's quay and on the Eastern side by an imaginary straight line drawn from the Bingleadies buoy to the Bolton rock buoy showing a flashing red light and thence following the 5 metre contour line to the entrance to the Queens Channel.
8. **From Guidebank to the Western End of Little Island through the Queens Channel** the fairway is bounded on the Northern side by a line of green conical buoys and on the Southern side by a line of red can shaped buoys. All conical

shaped buoys show a flashing green light and all can shaped buoys show a red flashing light.

9. **From Little Island to the Cove Light Beacon** the fairway is bounded on the Northern side by the 5 metre contour line and on the Southern side by the 5 metre contour line.
10. **From Cove Light Beacon to the Neptune Marina** the fairway is bounded on the Northern side by the 5 metre contour line and on the Southern side by the 5 metre contour line.
11. **From the Neptune Marina to the Rice Bridge in the City of Waterford** the fairway is bounded by imaginary lines drawn 20 metres off from the face lines of the pontoons, marinas and wharves on the North and South sides of the river.
12. **From Rice Bridge in the City of Waterford to Granagh Paper Mills Jetty** the fairway is bounded on the Northern side by the 2 fathom line and on the Southern side by the 2 fathom line.
13. **From Granagh Paper Mills Jetty to the Inward Limits of the Harbour** which is an imaginary straight line extending from a point 35 metres Westward from the centre line of Killotteran Pill and due North West to a position in the townland of Licketstown on the Kilkenny side of the River Suir the fairway is bounded on the Northern side by the 2 metre contour line and on the Southern side by the 2 metre contour line.