



Fingal County Council

Comhairle Contae Fhine Gall



RUSH HARBOUR BYE-LAWS

**REGULATING THE ADMISSION OF VESSELS INTO THE
HARBOUR OR THE VICINITY THEREOF AND THEIR
REMOVAL THEREFROM, AND PROVIDING FOR THE
GOOD ORDER AND GOVERNMENT OF VESSELS WHILE
WITHIN THE HARBOUR
AND FOR PREVENTING AND REMOVING OBSTRUCTIONS
OR IMPEDIMENTS IN OR ON DOCKS, QUAYS, WORKS
AND ROADWAYS WITHIN THE HARBOUR
PRESENTED AT COUNCIL MEETING ON
THE DAY OF 2023**

Draft Bye-laws for Rush Harbour 2023

Fingal County Council pursuant to the provisions of the Local Government Act 2001 as extended by Section 89 of the Harbours Act 1996 hereby makes the following Byelaws for Rush Harbour.

INTERPRETATION

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

The Council	Means Fingal County Council.
The Harbourmaster	Means a person appointed by the Council to be the Harbourmaster of the harbours under its control or management and any other person authorised in writing by the Council to discharge the functions of harbourmaster
Authorised Person	Means a person, including the Harbourmaster, authorised in writing by the Council for the purposes of Section 204 of the Local Government Act 2001 to exercise the powers in that section, which powers relate to ensuring compliance with these byelaws.
The Harbour	Means the roadway, slipway, steps, piers and other harbour works connected thereto at Rush which works are within the area outlined in red verge lines on the Ordnance Survey map annexed to these bye-laws.
Berth	Means any place or mooring at the pier at which a vessel might lie in waters at the Harbour.
Vessel	Means any description of floating craft and includes any ship, boat, canoe, jetski, and personal watercraft whether used in carriage of passengers or of goods, in fishing or in recreation.
Length of a vessel	The length of a vessel shall be measured from the foremost part of the vessel or any protrusion thereon to an imaginary line perpendicular to the waterline drawn through the aftermost part of the vessel or any protrusion therefrom. The measurement is to be made parallel to the waterline.
Vehicle	Means any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles, trailers, caravans, and mobile homes, and includes items which are towed, such as a boat trailer, and items which can be detached from a vehicle, such as a skip or a container.
Goods	Means all articles and merchandise of every description, including fish, livestock, animals, fishing nets, fishing pots, fish boxes, cargo of every description, break bulk, bulk solids and liquid goods.
Vicinity	Vicinity of the Harbour means the area encompassing the roadway, slipway, piers and other harbour works and the area of sea to the West of the piers together with the area of sea to the North of the piers which areas are more particularly delineated in red verge lines on the Ordnance Survey map annexed hereto.

USE OF THE HARBOUR BY VESSELS

1. The use of the Harbour is restricted to vessels which are less than 18 metres in length.
Vessels of 18 metres or over may only berth at the Harbour when specifically licensed by the Council and then only subject to the conditions in the licence.
The owner, skipper or person in charge of a vessel which berths at the harbour in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
2. The owner, skipper or person in charge of any vessel other than vessels of any length licensed by the Council shall leave the vicinity of the Harbour or any specified berth at the Harbour, as the case may be, if and when directed to do so by the Harbourmaster for reason of congestion in the vicinity of Harbour or at any specified berth or to facilitate the working of the for other vessels.
The owner, skipper or person in charge of a vessel which remains in the vicinity Harbour or at a specified berth at the Harbour, as the case may be, in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
3. The owner, skipper or person in charge of a vessel shall not cause or permit the engine of a vessel to be worked in such a manner as to cause a wash or wake in the water which might cause injury or damage to any person, other vessel or property in the vicinity of the Harbour, including such damage by undermining the face of the Harbour walls.
The owner, skipper or person in charge of a vessel who causes or permits the engines of a vessel to be worked in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
Before instituting a prosecution for breach of this byelaw, the Harbourmaster shall serve a fixed payment notice in the amount of €75 on the alleged offender and the provisions of section 206 of the Local Government Act 2001 shall apply to such fixed payment notice and subsequent prosecution, if any.
4. A vessel shall not proceed or navigate in the vicinity of the Harbour at a speed in excess of 4 knots (approximately 7.4 kilometers per hour).
The owner, skipper or person in charge of a vessel who causes or permits a vessel to proceed or navigate in the vicinity of Harbour at a speed in excess of 4 knots and the helmsman or other person conducting such vessel in breach of this byelaw shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
Before instituting a prosecution for breach of this byelaw, the Harbourmaster shall serve a fixed payment notice in the amount of €75 on the alleged offender and the provisions of section 206 of the Local Government Act 2001 shall apply to such fixed payment notice and subsequent prosecution, if any.

Draft Byelaws for Rush Harbour 2023

5. No vessel is permitted to lay fishing pots or nets, or to block the fairway in the vicinity of the Harbour, or to anchor, without the permission of the Harbourmaster, in the vicinity of the Harbour.

The owner, skipper or person in charge of a vessel which lays fishing pots or nets, or blocks the fairway in the vicinity of the Harbour in breach of this byelaw, or anchors in the vicinity of the Harbour in breach of this byelaw, shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such to a fine not exceeding €100.
6. No vessel of any length shall be kept at the Harbour or in its vicinity unless expressly licensed by the Council by a licence in writing and then only when in compliance with the terms and conditions of such licence, and the payment in advance for the term of the licence of the harbour charges which the Council is hereby enabled to impose by virtue of the provisions of Section 89 of the Harbours Act 1996.

The owner of a vessel which is kept at the Harbour or in its vicinity in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
7. Visiting vessels are only permitted to remain at the Harbour or in the vicinity of the Harbour, with the express permission of the Harbourmaster and must leave the Harbour and its vicinity when directed to do so by the Harbourmaster for reason of congestion at the Harbour or to facilitate the use of the Harbour by other vessels.

The owner, skipper or person in charge of a vessel which remains at the Harbour or in the vicinity of the Harbour in breach of this byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.

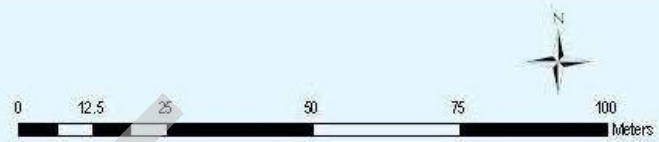
If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
8. The Council is hereby enabled by this byelaw and the provisions of Section 89 of the Harbours Act 1996 to impose harbour charges on the owner, skipper or person in charge of a visiting vessel for the use of the Harbour.

Such charges as the Council shall fix from time to time shall be displayed in the Harbour and may be recovered as a simple contract debt from the owner, skipper or person in charge of the vessel at the time of the visit.

Draft Byelaws for Rush Harbour 2023

9. USE OF THE HARBOUR ROADWAY OR PIERS FOR PLACING OR KEEPING GOODS.
No goods may be placed or kept at any time on the roadway or piers of the Harbour without the permission of the Harbourmaster and the owner or person who has custody of such goods so placed or kept, with or without the permission of the Harbourmaster, must remove them when directed to do so by the Harbourmaster.
The owner and the person who has custody of such goods and who fails to remove them when one or both of them are directed by the Harbourmaster to do so shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
10. PROHIBITION OF BRINGING VEHICLES ON TO THE ROADWAY OR PIERS.
With the exception of Fire Brigade vehicles, ambulances and Garda vehicles, no vehicle may be brought on to the roadway or piers of the Harbour without the express permission of the Harbourmaster.
The owner and the driver or other person who has custody of such vehicle which has been brought on to the roadway or piers of the Harbour in breach of this byelaw shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.
11. PROHIBITION OF PLACING VESSELS, VESSEL'S APPAREL OR BOAT CRADLES ON THE ROADWAY, SLIPWAY, CAMPSHIRES OR HORIZONTAL SURFACE OF THE PIERS.
No vessel, vessel's apparel or boat cradle shall be placed on the roadway, slipway, campshires or horizontal surfaces of the piers of the Harbour without the express permission of the Harbourmaster.
The owner and any other person who has custody of such vessel, vessel's apparel or boat cradle which has been placed on the roadway, slipway, campshires or horizontal surface of a pier in the Harbour in breach of this byelaw shall each be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
If the contravention of this byelaw is continued after conviction the person so convicted shall be guilty of an offence on each day that the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €100.

Appendix Limits of Bye-Laws for Rush Harbour



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