

Comhairle Chontae Dhun na nGall

DONEGAL COUNTY COUNCIL

Local Government Act, 2001 - Part 19

Local Government Act, 2001 (Bye-Laws) Regulations 2006 - SJ Number 362 of 2006

Harbours Act, 1996 - Section 89

Bye-Laws for the Regulation of certain Harbours in County Donegal

Donegal County Council being the Local Authority and having under its control the Harbours as herein defined which are situated within the said County in exercise of the powers conferred on it by Part 19 of the Local Government Act, 2001 and Section 89 of the Harbours Act, 1996, hereby makes the following Bye-Laws: -

1. Citation

These Bye-Laws may be cited as the "Donegal County Council (Certain Harbours) Bye-Laws 2010"

2. Commencement

These Bye-Laws shall come into operation on the 1st day of September 2010.

3. Definitions

3.1 In these Bye-Laws, save where the context otherwise admits or requires: -

"a competent person" is a person who, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;

"Berthed" when used in relation to a vessel means secured to a pier, quay, wall, bank, pontoon, stage or dolphin, or to any other vessel so secured;

"Deleterious substance" includes all polluting matter, trade and sewage effluent as defined in the 1977 Act and also bilge water;

"Exempted Vessel" means a Vessel that is not engaged for commercial gain in the conveyance of passengers by sea but not including a fishing vessel.

"Fairway" means any navigable channel within the Harbour;

"Ferry" means a Vessel, engaged either exclusively or otherwise in the conveyance of passengers or goods by sea, that is both licensed by The Marine Survey Office and holds a valid "Permit" to carry such passengers or goods to or from "the Pier";

"Ferry Operator" means the individual or legal entity responsible for the operation of a Ferry;

"Fish" has the meaning assigned to it in the 1959 Act;

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

"Length" where used in relation to a Vessel as described herein means the overall length measured from bow to stern.

"Master" in relation to a Vessel, means the person having command, management or charge of the Vessel for the time being, but does not include a pilot. References to "Master" alone shall be interpreted as "Master of a Vessel" or "Master of the Vessel" as appropriate;

"Moored" when used in relation to any vessel, means any vessel -

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

"Mooring" includes anchoring.

"Owner"-

- (a) when used in relation to a Vessel includes any part owner, broker, agent, mortgagee or charterer in possession of such Vessel or other person or persons entitled for the time being to possession of the vessel. References to "Owner" alone shall be interpreted as "Owner of a Vessel" or "Owner of the Vessel" as appropriate;
- (b) when used in relation to goods (as herein defined), includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of such goods and also includes any other person in charge of the goods and his agent in relation thereto; and

when used in relation to a vehicle or item of plant includes any part owner, agent or other person having charge of the vehicle or plant for the time being;

"Passengers" means persons using a Ferry;

"Passenger boat" means-

a vessel carrying not more than 12 passengers for reward or having on board for the purposes of carriage for reward not more than 12 passengers.

"Passenger Ship" means a vessel carrying more than 12 passengers or having on board more than 12 passengers for the purposes of carriage.

"Permit" means the document issued by The Department of Agriculture, Fisheries and Food to the Ferry Operator that prescribes the conditions under which a permit holder must operate within "the Harbour".

"Permit Holder" means the individual or legal entity authorised by the Permit;

"Plant" means every vehicle, engine, truck, signal, lamp, machinery, crane, shearlegs, weighing machine, tap, valve, hydrant, valve pit, hydrant pit, capstan, buoy, dolphin, bollard, gear, machine, fire call, ladder, implement, apparatus, fitment and appliance in the Harbour.

"Quay" means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, roadway or footway immediately adjacent and affording access thereto;

"the 1959 Act" means the Fisheries (Consolidation) Act, 1959;

"the 1961 Act" means the Road Traffic Act, 1961;

"the 1977 Act" means the Local Government (Water Pollution) Act, 1977;

"the 1989 Act" means the Safety, Health and Welfare at Work Act, 1989;

"the 1992 Act" means the Merchant Shipping Act, 1992

"the 1996 Act" means the Harbours Act, 1996;

"the 1997 Act" means the Litter Pollution Act, 1997;

"the 2001 Act" means the Local Government Act, 2001;

"the Road Traffic Act" means the Road Traffic Act, 1961 as amended;

"the Collision Regulations" means the International Regulations for Preventing Collisions at Sea 1972;

"the Council" means Donegal County Council being the Local Authority within the meaning of the 2001 Act;

"the Harbours" means all the harbours listed in the First Schedule hereto;

"the Harbour" or "a Harbour" means any one of the harbours listed in the First Schedule hereto;

"the Harbour Master" or "a Harbour Master" means the person appointed by the Council as an authorised person in accordance with Section 204 (1) of the 2001 Act to enforce these Bye-Laws in a Harbour;

"the Pier" means the Pier at each harbour;

the Regulations" mean the Local Government Act, 2001 (Bye-Laws) Regulations, 2006 (SI Number 362 of 2006);

"the Waiting Area" means the area of the pier to be agreed in writing between the Ferry Operator and the Council before a "Permit" where so required, is issued. The Council will delineate this area, within which the Ferry Operator must subsequently ensure that all contracted passengers queuing for his Ferry do so in an orderly and safe manner prior to departure;

"Vehicle" includes any "mechanically propelled vehicle" as defined in the 1961 Act and a towed item such as a boat trailer;

"Vessel" means a waterborne craft of any type whatsoever whether self-propelled or not and any other thing constructed or adapted for floating on, manoeuvring on or being submerged in water;

- 3.2 References to all Acts and Regulations herein shall be construed as being to such Acts and Regulations as amended or replaced as appropriate.
- 3.3 References to the masculine gender herein shall also include the feminine and neuter and words in the singular include the plural or visa versa.
- 3.4 In the context of the definition of Harbour Master in Bye-Law 3.1 above more than one Harbour Master may be appointed to enforce these Bye-Laws in a Harbour and while one individual may be the primary person who will act as Harbour Master for that Harbour others so appointed will have equal and concurrent powers to act in the first person's absence or unavailability at the particular time.

4. *Movement of Vessels in the Harbour*

- 4.1 No Vessel shall carry passengers within a Harbour or commercial purposes unless it holds either a Passenger Vessel Safety Certificate or a Passenger Boat Licence issued under the Act of 1992 in addition to a "Permit" where so required.
- 4.2 The master or Owner, other than a fishing Vessel based in the harbour and who pays annual charges in the harbour shall, at least two hours prior to arrival at the Harbour, report the expected arrival together with particulars as to tonnage and draft of the Vessel to the Harbour Master who shall assign a berth to the Vessel if such be available.
- 4.3 Vessels within the Harbour shall at all times and in all respects be subject to the control of the Harbour Master whose direction shall be obeyed by the Master of any such Vessel.
- 4.4 A direction from or requirement by the Harbour Master or authorised person to the Master of a Vessel shall not either extend or diminish any responsibility for exercising due care and attention in relation to his Vessel or its cargo or release him from compliance with International Regulations.

- 4.5 The Master of a Vessel approaching, entering, leaving or moving within the Harbour shall ensure that such Vessel -
- (a) is navigated in a proper and seamanlike manner so as not to endanger the lives of or cause injury or damage to persons or property.
 - (b) does not obstruct or prejudice the navigation, manoeuvring, loading or discharge of Vessels.
 - (c) does not cause unnecessary damage to the Pier or other property.
 - (d) is operated in accordance with the Collision Regulations and
 - (e) is navigated at a speed that is not in excess of 3nMPH
- 4.6 The said speed limits shall not apply to a vessel on any occasion when it is being used for patrolling, police, fire fighting or rescue operations in circumstances where such speed limit would be likely to hinder the use of the vessel for the said purposes at the relevant time.
- 4.7 The Master or Owner of a Vessel shall not negligently or wilfully permit the Vessel to run foul of the Pier or any of the quays, jetties, slips, perches, buoys, works, plant, fixtures or other Vessels or property in the Harbour.
- 4.8 No person other than the Harbour Master shall (by hailing, calling, or communicating otherwise from the Pier or Quay or any other part of the Harbour) attempt to regulate, control or alter the movement of any Vessel within the Harbour except where vessels are in imminent danger of collision.
- 4.9 No person shall sound or use or knowingly cause or permit to be sounded or used in the Harbour a siren, steam whistle, fog horn, alarm or other instrument, appliance or system for producing alarm signals on any occasion or for any purpose other than in connection with navigation or distress.
- 4.10 No person shall use or cause or permit the use of any loudhailer, music instrument or any sound amplification system, whether fitted on a vessel or not, within the Harbour, so as to give reasonable cause for annoyance to any other person.

4.11 The Harbour Master may decide to direct the Master of a Vessel to berth, moor or move such Vessel and in the event that either:

- (a) such a direction is not obeyed;
- (b) there is no person on board capable and competent to do so; or
- (c) the Master cannot be found after reasonable enquiry;

the Harbour Master may arrange for the mooring, berthing or moving of the Vessel as the case may be and the Council will not be responsible for any damage to the vessel whether arising from the conditions thereof whether or not otherwise preventable by the Harbour Master or his agent employed in that behalf in the ordinary course of mooring, berthing or moving the vessel as aforesaid. The reasonable costs of the Council incurred in that regard shall be an additional harbour charge on the owner and Master with joint and several liability.

4.12 No Vessel shall be moved from one berth to another except with the prior consent of the Harbour Master. Provided always that if the person is unable after reasonable enquiry to find the Harbour Master and the movement of the Vessel is in accordance with the practice normally approved by the Harbour Master, the vessel may be moved.

4.13 Within the Harbour, a person shall not: -

- (a) Cause a vessel to swing except at such times and in such conditions as the Harbour Master may direct;
- (b) Cause a vessel to begin to swing while any other vessel near enough to foul is moving in the Harbour; or
- (c) Cause a vessel to cast loose or move in the Harbour so as to cause damage or come into collision with any vessel in the act of swinging.

4.14 The Master irrespective of its size (other than a Vessel that is directed by the Harbour Master to anchor or moor therein) shall not use a fairway in a manner so as to obstruct, endanger or otherwise impede other Vessels which require that fairway for navigation.

4.15 The Master when underway in the Harbour shall ensure that at least one competent person is constantly on board for the navigation and management thereof.

4.16 A Master or any other person shall not navigate a Vessel in the Harbour whilst under the influence of an intoxicant within the meaning of the Road Traffic Acts.

4.17 In any instance where a Vessel-

- (a) has been involved in a collision with any other Vessel or property, or has been sunk or grounded or become stranded within the harbour; or
- (b) by reason of accident, fire, defect or otherwise is in such condition as to affect its safe navigation or to give rise to danger to other Vessels or property; or
- (c) in any manner gives rise to any obstruction to a fairway; or
- (d) has discharged any deleterious substance; or
- (e) has jettisoned or lost any object that potentially obstructs the fairway; or
- (f) has experienced a "near miss", which could have resulted in any of the incidents in (a) to (e) above or any other incident with potentially serious consequences;

its Master shall as soon as reasonably practicable but not more than 24 hours after the incident report the occurrence to the Harbour Master, provide him with full details in writing and, where the damage to the Vessel is such as to affect or is likely to affect its seaworthiness, the Master shall not move the Vessel except to clear the fairway or to berth, moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master .

5. *Vessels At Rest In The Harbour*

5.1 A Vessel shall not be moored within the Harbour other than at a place designated under these Bye-Laws by the Harbour Master. Any Vessel anchored within the Harbour shall be moored effectively so as to avoid danger to itself and obstruction to other Vessels. A proper anchor watch shall be kept where appropriate to the conditions and the size of the Vessel.

5.2 Every Vessel lying at a quay in the Harbour shall be so berthed as to lie broadside to the quay, except where otherwise authorised by the Harbour Master .

- 5.3 Save with the permission of the Harbour Master, Vessels shall not lie alongside any quay in the Harbour except when loading or discharging cargo or when taking on fuel, water, ice or other necessary supplies, or opposite a berth or berths designated by the Harbour Master all of which operations shall be carried out as expeditiously as possible.
- 5.4 The Harbour Master may at any particular time as he deems appropriate give preference of berth to one Vessel over another.
- 5.5 The Master or Owner is not permitted to berth at or near a crane or other loading facilities located on the pier unless loading or unloading goods.
- 5.6 Except with written consent of the Harbour Master/ Authorised Officer no person shall use a crane or similar equipment or use or attach a grab on any of the quays or Harbour.
- 5.7 No transfer of fuel or bunkers shall take place without the prior approval of the Harbour Master, who may designate where, when and within which time periods such transfer may take place. Furthermore, no transfer of fuel or bunkers shall take place whilst passengers are either embarking on or disembarking from a Ferry.
- 5.8 It is the duty of the Master to ensure the safe berthing and mooring thereof.
- 5.9 Vessels moored, berthed or anchored in the Harbour shall display suitable lights in accordance with International Regulations or whenever required to do so by the Harbour Master.
- 5.10 Masters or Owners of Vessels shall at all times ensure that any such Vessel is readily available for manoeuvre under its own power.
- 5.11 Vessels shall only be made fast or moored in the Harbour to the bollards, mooring rings or mooring buoys that are specifically provided for that purpose. Mooring lines used by vessels in the Harbour shall be of adequate strength for their intended purposes.
- 5.12 No person shall unloose any Vessel which may be made fast or moored in any part of the Harbour without the consent of the Harbour Master. When any Vessel has been lawfully moored in the Harbour no person other than the Owner or Master or person authorised by the Owner or Master or the Harbour Master shall move, remove or alter the position of the Vessel or attempt to do so. Subject to the Harbour Master permitting a Vessel to berth alongside another Vessel, a Vessel departing from inside another Vessel or Vessels shall ensure that this/these Vessel(s) is/are properly re-secured upon departure.

- 5.13 A rope, chain or similar impediment shall not (except temporarily in case of emergency) be laid or run from a Vessel in the Harbour in such manner as to cause an obstruction to the normal use of any steps, stairs or ladders leading from the Pier to the water.
- 5.14 The Master of a Vessel, which has sunk or become stranded in the Harbour, shall immediately give notice of this occurrence to the Harbour Master, shall provide all necessary information on crew, passengers, cargo, fuel and lubricating oils to the said Harbour Master and shall carry out his instructions as to the lighting and buoys of the Vessel forthwith. The Master shall be responsible for the safety of the Vessel in question; whilst the Harbour Master shall at all times have a right of inspection of such Vessel. Any Vessel so sunk or stranded shall be removed by the Master, Owner and / or Operator as soon as possible and in any event within fourteen days of the day on which the Vessel sank or became stranded or within such greater or lesser period as the Harbour Master may by notice in writing permit or require. If the Master, Owner and / or Operator fails to obey such instructions without delay the Harbour Master may arrange for the lighting, buoys and/or removal of the Vessel. The reasonable costs of the Council incurred in that regard shall be an additional harbour charge on the Owner and Master with joint and several liability. Further such action taken by the Harbour Master shall not relieve the Master and Owner from the consequences of their breach of this bye-law.
- 5.15 The Master of a Vessel while berthed alongside a quay shall provide a sufficient and proper gangway or stage for the access and egress of all persons having lawful business on the Vessel. He shall ensure that any such gangway or stage is placed and maintained in a safe manner, well protected, securely fastened and adequately illuminated as required.
- 5.16 A Master shall not lay moorings in the Harbour without the written permission of the Harbour Master and such moorings shall be removed when no longer required or when a Master is instructed to do so by the Harbour Master.
- 5.17 The Master of a Vessel upon anchoring in the Harbour shall cause a buoy to be fastened forthwith to the anchors in such manner that the position of each anchor may be readily identified.
- 5.18 The Master shall not leave any anchor in the Harbour that may have been dropped or slipped inadvertently from his Vessel without a buoy to mark its position and such anchor shall be removed without delay.

- 5.19 Upon being so required by the Harbour Master, the Owner of a raft, anchor, buoy, fishing net, fish boxes, lobster pot, shrimp pot, fishing gear or other floating or submerged object in the water of the Harbour shall ensure it is removed immediately to a suitable location or wherever the Harbour Master may direct, subject to the terms of the Dumping at Sea Act, 1996.
- 5.20 The Harbour Master may, in respect of any article or thing he deems to be an obstruction or nuisance in the Harbour, by notice in writing require the Owner, subject to the provisions of Bye-Law 8.12 hereunder, to remove it from the Harbour and dispose of such article within a specified period. In the event of the Owner, failing to comply with such Notice in contravention of this Bye-Law, the Council may, at the risk of the Owner, arrange for the removal or disposal of such article as deemed appropriate. Before taking such action, the Harbour Master shall give notice in writing to the Owner of the intention to exercise this power within the time specified therein. If the Owner fails to remove such article within the latter period and the Council then exercises its power of removal, it shall not be liable to the Owner for any loss or damage suffered by him howsoever arising from the disposal or method of disposal. In the event of a sale, the proceeds of this sale shall be applied to defraying the cost of removal and disposal and any balance remaining shall be paid to the Owner. If the proceeds of the sale are insufficient to meet the cost of removal and disposal, the balance outstanding shall be an additional harbour charge on the Owner and Master with joint and several liability.
- 5.21 If the Harbour Master is unable to sell any article or thing he deems to be an obstruction or nuisance in the Harbour as set out at Clause 5.20 above, he can arrange for its removal and destruction.
- 5.22 Without prejudice to the powers of the Chief Medical Officer of a Health Authority acting under the provisions of the Infectious Diseases Regulations, 1981 (as amended) and the Infectious Diseases (Shipping) Regulations, 1948, a Master shall not permit his Vessel to be fumigated in the Harbour for any purpose without the permission in writing of the Harbour Master. Furthermore, any such operations so permitted shall be at the risk of the Master.
- 5.23 The Master that is moored at a quay or attached to any mooring device shall not permit the engine of his Vessel to be worked in such manner as to cause injury or damage to any other Vessel or property, the bed of the Harbour or any of the quay walls or mooring bollards / rings.
- 5.24 The Masters, owners and crews of Vessels occupying berths at a quay in the Harbour shall, if so required by the Harbour Master, give free

access and safe passage over the decks of their Vessels for persons and goods to and from other Vessels berthed alongside them.

- 5.25 The Harbour Master may at any time within the Harbour either alone or with such assistants as he requires, board any Vessel and inspect it or any part thereof in the execution of his authorised duties.
- 5.26 A Vessel may only be lifted out and temporarily stored at a location to be agreed beforehand and for a period of time to be agreed with the Harbour Master .
- 5.27 The Harbour Master shall have the power to set aside reserved berths, when deemed necessary, at his discretion. The use of any such berth will be subject to the consent of the Harbour Master.
- 5.28 Notwithstanding any other provision hereof, failure on the part of the Master, Owner, servant, agent or other person to comply with any directions, instructions or permission given orally or in writing by the Harbour Master to such person shall constitute a contravention of the Bye-law under which such notice was given as extended by this Bye-law.

6. *Vessels - Boarding / Disembarking and Loading / Unloading Operations*

- 6.1 A Master engaged in boarding / disembarking or loading / unloading operations at the Pier shall do in a safe and appropriate manner so as not to obstruct other Vessels being loaded, discharged, moored, berthed or navigated.
- 6.2 A Master engaged in boarding /disembarking passengers or loading /unloading goods shall cease such operations if so directed by the Harbour Master.
- 6.3 The Harbour Master may instruct the Master in the Harbour to board / disembark passengers or load / unload goods within a specified period whenever in his opinion an unreasonable delay may otherwise arise. If the Master refuses or fails to comply with such an instruction, the Harbour Master may arrange to carry out such task at the Owner's risk and do all things necessary for and incidental to that purpose. In such circumstances the reasonable costs of the Council incurred in that regard shall be an additional harbour charge on the Owner and Master with joint and several liability.
- 6.4 A Master boarding /disembarking passengers or loading /unloading goods in the Harbour shall ensure that good and sufficient light is

maintained at all times over each hold of the Vessel so as to enable such operations to be performed in a safe manner.

- 6.5 The handling, stacking, storage or movement of goods by any person in the Harbour shall be undertaken in a safe manner and shall be subject to the direction of the Harbour Master. Goods intended for shipment (through the Harbour) shall not be placed on the Pier without the prior permission of the Harbour Master.
- 6.6 The Master that has on board a quantity in excess of its standard equipment or normal requirements of goods of an explosive, inflammable, or otherwise dangerous nature shall not berth / moor nearer than 30 metres to any other Vessel and shall, immediately on arrival at the Harbour, give notice thereof to the Harbour Master. The Harbour Master may direct that any such Vessel be moored at an isolated location in the Harbour or, if deemed appropriate, the immediate removal of such goods from the Harbour by whatever safe means are necessary.
- 6.7 The use of matches, mechanical lighters or naked lights or any kind and / or the smoking of tobacco or any other herb within 30 metres of inflammable goods and/or in or within 30 metres of Vessels loading or discharging inflammable goods in the Harbour is prohibited.
- 6.8 Fire-fighting equipment on Vessels, loading / unloading flammable goods in the Harbour, shall be kept in a state of readiness during such operations.
- 6.9 Goods or containers including fish boxes and fish barrels shall not be permitted to remain on the Pier or Slipway without the permission of the Harbour Master for more than six hours in any 24-hour period or any such lesser period as the he may direct. Goods or containers that remain on the Pier or Slipway for time periods contrary to any such direction, may be removed by the Harbour Master and stored elsewhere. The Owners of such goods or containers shall be liable for all associated removal costs.
- 6.10 The hatches or other openings on the deck of a vessel lying at a quay in the Harbour shall be kept closed unless otherwise permitted by the Harbour Master except while work of loading or unloading is proceeding. Notwithstanding anything in this Bye-Law, the hatches of all coal laden Vessels shall be kept open whilst in the Harbour.

- 6.11 Where the hatches or other openings of a Vessel which is not being loaded or unloaded in the Harbour are left uncovered by permission of the Harbour Master they shall be fenced to a height of 91cms (3ft.) if the coamings are less than 76 cms (2.5 ft.). Where hatches or openings are uncovered the Master shall ensure that substantial and legible warning notice of the existence of such uncovered hatches or openings worded "beware of uncovered hatches or openings" shall be posted in a conspicuous place on board.
- 6.12 Livestock intended for shipment shall not be allowed onto any quay in the Harbour, without the prior permission of the Harbour Master. In addition, livestock intended for shipment shall be placed in pens or cattle lorries for that purpose until ready for shipment and such livestock shall not be allowed to remain freely on the quay/ pier in the harbour.

7. *Vehicle movements in the Harbour*

- 7.1 A Vehicle engaged in transporting Passengers, goods or containers to or from a Vessel shall remain alongside it and on the Pier only for as long as it is necessary. Such operation shall be carried out as expeditiously as possible and at all times shall be under the direction of the Harbour Master. No other Vehicle shall wait on any quay or place in the Harbour other than at a place designated for parking during the time so designated.
- 7.2 Vehicles being used for the movement of passengers, goods or containers shall be suitable for their purpose and handled at all times in an appropriate manner so as to avoid damage to property within the harbour and injury to any pedestrians or drivers of other vehicles.
- 7.3 Vehicles and containers shall not be used within the Harbour unless they are maintained at all times in a good state of repair and in a clean and hygienic condition by their Owners.
- 7.4 The Harbour Master, whose decision shall be final, is empowered to determine if any particular Vehicle is unsuitable for the purpose of these Bye-Laws.

- 7.5 Any person driving or otherwise operating a Vehicle involved in an accident on the quay, whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle, report the accident to and give his name and address to the Harbour Master. The requirements of this Bye-Law are without prejudice to any reporting obligations under the provisions of either the Road Traffic Act, 1961 or the Safety, Health and Welfare at Work (General Application) Regulations, 1993.
- 7.6 The owner of a Vehicle in the Harbour shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.
- 7.7 The owner of a Vehicle in the Harbour shall not permit any substance to leak, spill or drop from the Vehicle.
- 7.8 Cleaning and repairing of goods or containers shall only be carried out at places directly authorised by the Harbour Master.
- 7.9 No person shall engage in water skiing, kiting or parachute towing within the harbour area without the prior consent of the Harbour Master.
- 7.10 A maximum speed limit of 20 km/hr shall apply to all Vehicles within the Harbour area.

8. General

- 8.1 The Owners of fishing nets, warps and fishing gear of any kind shall not allow such equipment to remain in the Harbour Area for more than six hours in any 24-hour period or such lesser period as the Harbour Master may direct. Fishing nets, warps or gear which remain in the Harbour Area for a longer period than that specified in this Bye-law may be removed by the Harbour Master and stored elsewhere. The Owners of such nets, warps or gear shall be liable for the cost of their removal and storage. Any such fishing nets, warps, and fishing gear of any kind in the Harbour Area are entirely at the Owner's risk.
- 8.2 The Council or Harbour Master shall not be liable for any loss or damage to goods, containers, vehicles, boats, fishing nets, warps or gear that are removed and stored in accordance with these Bye-Laws.

- 8.3 No person shall in any way interfere with goods, containers, vehicles, lights, machinery, equipment or plant in the Harbour.
- 8.4 No waste of any kind or deleterious substances other than surface water shall be deposited, dumped or discharged within the Harbour.
- 8.5 Operators of both Ferries and Licenced Passenger Boats / Ships are obliged to ensure that persons boarding / disembarking from Vessels do so in an orderly and safe manner. In that regard, all Ferry Operators are legally obliged as employers to prepare a Safety Statement in accordance with the terms of the 1989 Act. In addition they will also be required to prepare a Traffic Management Plan in respect of all aspects of their operations with particular reference to the management and control of passengers. Such Safety Plans must include:
- (a) the identification of the various hazards involved with their
 - (a) operations
 - (b) the preparation of an associated Risk Assessment
 - © the putting in place of appropriate control measures to address the various risks identified in the said Risk Assessment.

The Council reserves the right to revoke the Permit of any Operator of Ferries or Licenced Passenger Boats / Ships that fail to comply with the terms of the said Permit.

- 8.6 The sale of all tickets, vouchers etc., for the transportation of passengers, goods, plant or vehicles by ferry or otherwise is only permitted from designated locations authorised by the Council.
- 8.7 Operators of Ferries or Passenger Vessels are also obliged to indemnify the Council and the Minister for Agriculture, Fisheries and Food in respect of any accidents that may arise as a result of commercial activities carried out by them on or at the Harbour Area. In that regard, they must produce evidence to the Council that their Insurance Policies fully indemnify both the Council and the Minister for Agriculture, Fisheries and Food in respect of all claims by third parties or their personal representatives and dependants, under the Civil Liability Act, 1961 or any other statute or common law, for injuries, loss or damage to such third parties or their property.
- 8.8 No person shall play any game or carry on any activity that is inappropriate to the Harbour. The decision of the Harbour Master, as to what is not an appropriate game or activity shall be final.
- 8.9 Any person committing a nuisance or interfering with the peaceful or orderly use of the Harbour may be requested to depart therefrom by the Harbour Master. Failure on the part of such person to comply with such request is deemed to be an offence under these Bye-Laws.

- 8.10 The Harbour Master, if of the opinion that a person has contravened any of these Bye-Laws, is entitled to request the name and address of such person. Failure on the part of such person to supply the details requested to the Harbour Master is deemed to be an offence under these Bye-Laws.
- 8.11 Trading of any kind shall not be undertaken within the Harbour other than in accordance with either the terms of a Permit issued by the Council or under the Council's Casual Trading Bye Laws together with the permission of and at a place designated by the Harbour Master.
- 8.12 Whenever a Master of a Vessel within the Harbour is not at hand or on board, any notice, required or authorised by these Bye-laws to be served on or given to him, may be served or given by affixing it to a mast or some other conspicuous part of such Vessel. Alternatively such notice may be served on or given by sending it by prepaid registered post in an envelope addressed to the Master at his last known address and in that event the notice shall be deemed to have been delivered in the normal course of post.
- 8.13 For the purposes of these Bye-Laws the Master or of a Licensed Passenger Boat / Ship that carries passengers, shall both on departure from and on arrival at the Harbour, furnish to the Harbour Master a written statement of the number of passengers and crew on board.
- 8.14 The Master of any Vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of his vessel. Furthermore, when berthing or lying at a quay or against other vessels, the Master shall cause the vessel to be fended off from that quay, or those vessels so as to prevent damage to that quay, those other vessels or any other property. The Master shall not use or permit to be used any fender deemed unsuitable for such purpose by the Harbour Master.
- 8.15 No diving operation, swimming or bathing shall be carried out within the Harbour except with the written consent of the Harbour Master.
- 8.16 The Slipway shall be kept clear at all times, other than when launching or recovering vessels or with the express permission of the Harbour Master.
- 8.17 No caravan, mobile home, dormobile or other similar vehicle, which is used or capable of being used for habitation, shall park or remain overnight on the Pier.

- 8.18 No person or organisation shall film, photograph or otherwise record for commercial use, within the Harbour, save with the prior consent of the Council.
- 8.19 The Harbour Master reserves the right to refuse entry to any Vessels that are in breach of the provisions of these Bye-Laws.
- 8.20 The Owner or Master other than an Exempted Vessel shall be liable to such charge or charges as the Council may from time to time impose.
- 8.21 The Owner or Master which carries passengers to or from the Harbour shall be liable to such charge or charges as the Council may from time to time impose.
- 8.22 The level of such charges, applicable on the coming into force of these Bye-Laws, are set out in the **Second Schedule** hereto.
- 8.23 All charges payable on foot of these Bye-Laws shall be payable to the Council whether demanded or not, and any charges due or owing to the Council may be recovered as a simple contract debt in any court of competent jurisdiction.
- 8.24 The Harbour Master shall be advised of scheduled arrival and departure times of Ferries engaged in the provision of all regular passenger conveyance service including those to the islands. Seasonal alterations to scheduled trips shall be notified in advance to the Harbour Master.
- 8.25 No activity shall take place or be held on the quay/ pier other than that for which permission is granted unless the Harbour Master in advance gives a further written approval.
- 8.26 No welding / cutting operations or other hot work involving the use of a naked flame shall take place in the Harbour Area without the prior approval of the Harbour Master.
- 8.27 For non-scheduled trips the Ferry Owners shall obtain prior approval from the Harbour Master which approval shall not be unreasonably withheld.

9. Harbour Charges

- 9.1 The Council hereby imposes the various Harbour Charges set out in the **Second Schedule** to these Bye-Laws.

- 9.2 The Owner or Master of a Vessel that carries passengers to or from the Harbour shall be liable to an annual charge that the Council may determine from time to time. [Or per passenger etc.]
- 9.3 The Owner or Master that ferries cargo to or from the Harbour shall be liable to an annual charge that the Council may determine from time to time.
- 9.4 All charges payable on foot of these Bye-Laws shall be payable to the Council and any charges due or owing to the Council may be so recovered as a simple contract debt in any court of competent jurisdiction
- 9.5 The Master or Owner of any Vessel entering the harbour for the purpose of landing goods shall as soon as possible give notice to the Harbour Master of his intention to land goods and shall furnish to the Harbour Master such information as may be required by him to identify and quantify the goods being landed for the purpose of calculation of the harbour charges payable in respect of such landing of goods.
- 9.6 Registered vessels and vessels holding a current COP certificate shall be permitted to carry out repairs in the designated area only and must have permission from the Harbour Master/Authorised Person. Vessels may only rest in this area for a maximum period of six months in any twelve-month period. Owners of vessels exceeding this period will be subject to a penalty charge as outlined on the attached schedule of charges. Unregistered vessels shall only use this area in an emergency and must be removed within seven days. Owners of such vessels shall be subject to a penalty charge as above and as outlined in the attached schedule of charges.

10. Offences

- 10.1 Pursuant to Section 205 of the 2001 Act a person who contravenes any Byelaws within shall be liable on summary conviction to a fine not exceeding €1904.60 And for continuing offences (after first conviction) €126.97 per day.
- 10.2 In respect of any contravention of these Bye-Laws the Council as an alternative to prosecution may serve the person believed to be guilty of the contravention with a fixed payment notice in the form specified in the Fourth Schedule hereto and -

- (a) The amount of the fixed payment shall be the maximum amount prescribed for the purposes of Section 206 (1) of the 2001 Act from time to time.
- (b) The period within which said payment must be made in order to avoid a prosecution will be 21 days from the date of the notice.

FIRST SCHEDULE - LIST OF HARBOURS

Donegal Electoral Area -

- Donegal Town
- Teelin

Glenties Electoral Area

- Burtonport,
- Nead na gCe
- Roshin, Tullyillion
- Leabharrow
- Rannagh/Aphort, Aranmore
- Magheraroarty
- Bunbeg

Milford Electoral Area

- Rathmullen
- Downings

Inishowen Electoral Area

- Greencastle
- Movice
- Carrickarory
- Bunrana

The limits for each of the said Harbours being shown edged red on the map of each harbour.

LIMITS OF DONEGAL TOWN HARBOUR

The limits of the harbour of Donegal Town, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(a) The outward limits consisting of the area contained within the following four points:

(1) $-08^{\circ} 07' 14''$ west longitude $54^{\circ} 38' 59''$ north latitude

(2) $-08^{\circ} 07' 07''$ west longitude $54^{\circ} 38' 56''$ north latitude

(3) $-08^{\circ} 06' 541''$ west longitude $54^{\circ} 39' 07''$ north latitude

(4) $-08^{\circ} 06' 56''$ west longitude $54^{\circ} 39' 07''$ north latitude

(b) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the second and third points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the fourth points and between the second and third points described in the said paragraph (a)

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Drawing Title:

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Donegal County Council
Marine Section

County House, Lifford.

Tel: (074) 9172222. Fax: (074) 9141205.

Sohn G. McLaughlin, BE, Director of Roads and Transportation

Location:

LIMITS OF TEELIN - CLADNAGEERAGH HARBOUR

The limits of the harbour of Teelin - Cladnageeragh, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(c) The outward limits consisting of the area contained within the following four points:

(1) $-08^{\circ} 38' 06''$ west longitude $54^{\circ} 37' 33''$ north latitude

(2) $-08^{\circ} 37' 33''$ west longitude $54^{\circ} 37' 39''$ north latitude

(3) $-08^{\circ} 37' 49''$ west longitude $54^{\circ} 37' 23''$ north latitude

(4) $-08^{\circ} 37' 34''$ west longitude $54^{\circ} 37' 30''$ north latitude

(d) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and third points and between the second and fourth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the third points and between the second and fourth points described in the said paragraph (a)

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Location.: Teelin _ Clad.nageeragh

LIMITS OF BURTONPORT HARBOUR

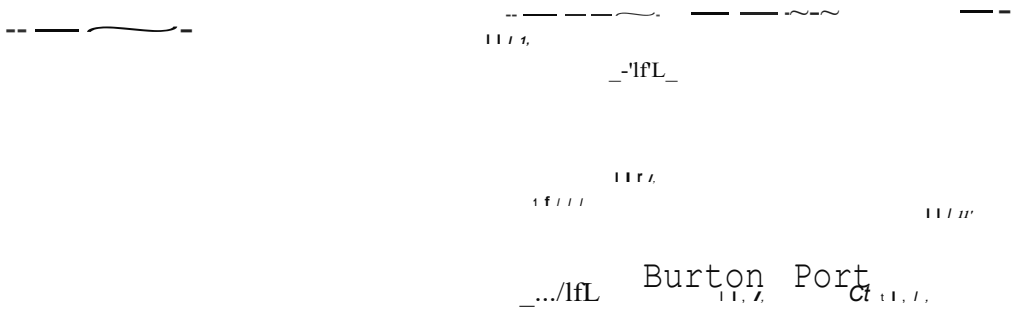
The limits of the harbour of Burtonport, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(e) The outward limits consisting of the area contained within the following six points:

- (1) -08° 26' 37" west longitude 54° 59' 03" north latitude
- (2) -08° 26' 45" west longitude 54° 58' 57" north latitude
- (3) -08° 26' 41" west longitude 54° 58' 54" north latitude
- (4) -08° 26' 37" west longitude 54° 58' 55" north latitude
- (5) -08° 26' 28" west longitude 54° 58' 53" north latitude
- (6) -08° 26' 26" west longitude 54° 58' 54" north latitude

(f) The inward limits consisting of the areas:

- (i) Above the high water mark on the coastline between the first and sixth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.
- (ii) Along the line of the high water mark on the coast line between the first and the sixth points described in the said paragraph (a)



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Donegal County Council
Marine Section

County House, Lifford.
Tel: (074) 91721???.2 Fax: (074) 9141205.

John O. Mo.Lauhhlin, BE, Director of Roade and Transportation

Eladora Area:

LIMITS OF NAD NA GEDH HARBOUR

The limits of the harbour of Nad na Gedh, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(g) The outward limits consisting of the area contained within the following four points:

(1) $-08^{\circ} 25' 27''$ west longitude $54^{\circ} 58' 45''$ north latitude

(2) $-08^{\circ} 25' 33''$ west longitude $54^{\circ} 58' 43''$ north latitude

(3) $-08^{\circ} 25' 54''$ west longitude $54^{\circ} 58' 33''$ north latitude

(4) $-08^{\circ} 25' 26''$ west longitude $54^{\circ} 58' 40''$ north latitude

(h) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and fourth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

Along the line of the high water mark on the coast line between the first and the

fourth points described in the said paragraph(a)

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Marine Section

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Teh (0'14)9172222. Fax: (074) 9141205.

John Q. McLaughlin, BE, Director of Roads and Transportation

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LIMITS OF ROSHIN HARBOUR

The limits of the harbour of Roshint, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(i) The outward limits consisting of the area contained within the following four points:

(1) $-08^{\circ} 26' 197''$ west longitude $54^{\circ} 59' 15''$ north latitude

(2) $-08^{\circ} 26' 19''$ west longitude $54^{\circ} 59' 14''$ north latitude

(3) $-08^{\circ} 26' 11''$ west longitude $54^{\circ} 59' 16''$ north latitude

(4) $-08^{\circ} 26' 10''$ west longitude $54^{\circ} 59' 16''$ north latitude

G) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and third points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the third points and between the second and fourth points described in the said paragraph (a)

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Marine Section

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John G. MoLaughlin, BE, Director of Roads and Transportation

Location:

Electoral Area:

LIMITS OF LEABGARROW HARBOUR

The limits of the harbour of Leabgarrow, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(k) The outward limits consisting of the area contained within the following Seven points:

(1) -08° 29' 49" west longitude 54° 59' 25" north latitude

(2) -08° 29' 43" west longitude 54° 59' 24" north latitude

(3) -08° 29' 39" west longitude 54° 59' 27" north latitude

(4) -08° 29' 34" west longitude 54° 59' 25" north latitude

(5) -08° 29' 39" west longitude 54° 59' 21" north latitude

(6) -08° 29' 47" west longitude 54° 59' 16" north latitude

(7) -08° 29' 52" west longitude 54° 59' 18" north latitude

(l) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and seventh points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the seventh points described in the said paragraph (a)

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John G. Mo.Laughlin, BE, Director of Roads and Transportation

Location:

LIMITS OF RANNAGH HARBOUR

The limits of the harbour of Rannagh, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(m) The outward limits consisting of the area contained within the following Four points:

(1) $-08^{\circ} 31' 16''$ west longitude $54^{\circ} 58' 18''$ north latitude

(2) $-08^{\circ} 31' 11''$ west longitude $54^{\circ} 58' 18''$ north latitude

(3) $-08^{\circ} 31' 04''$ west longitude $54^{\circ} 58' 09''$ north latitude

(4) $-08^{\circ} 31' 12''$ west longitude $54^{\circ} 58' 06''$ north latitude

(n) The inward limits consisting of the areas:

- (i) Above the high water mark on the coastline between the first and fourth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.
- (ii) Along the line of the high water mark on the coast line between the first and the fourth points described in the said paragraph (a)

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John G. MoLa.uihl.ID, BE, Director of Roads and Transportation

Location:

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LIMITS OF MAGHERAROARTY HARBOUR

The limits of the harbour of Magheraroarty, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(o) The outward limits consisting of the area contained within the following four points:

(1) $-08^{\circ} 10' 31''$ west longitude $55^{\circ} 08' 49''$ north latitude

(2) $-08^{\circ} 10' 24''$ west longitude $55^{\circ} 08' 54''$ north latitude

(3) $-08^{\circ} 10' 17''$ west longitude $55^{\circ} 08' 52''$ north latitude

(4) $-08^{\circ} 10' 24''$ west longitude $55^{\circ} 08' 45''$ north latitude

(p) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and fourth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and fourth points described in the said paragraph (a)

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John. G. Mo.Lauabln, BE, Director of Roads and Transportation

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LIMITS OF BUNBEG HARBOUR

The limits of the harbour of Bunbeg, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(q) The outward limits consisting of the area contained within the following six points:

- (1) $-08^{\circ} 18' 53''$ west longitude $55^{\circ} 03' 32''$ north latitude
- (2) $-08^{\circ} 19' 04''$ west longitude $55^{\circ} 03' 35''$ north latitude
- (3) $-08^{\circ} 19' 08''$ west longitude $55^{\circ} 03' 32''$ north latitude
- (4) $-08^{\circ} 18' 55''$ west longitude $55^{\circ} 03' 27''$ north latitude
- (5) $-08^{\circ} 18' 14''$ west longitude $55^{\circ} 03' 33''$ north latitude
- (6) $-08^{\circ} 18' 15''$ west longitude $55^{\circ} 03' 34''$ north latitude

(r) The inward limits consisting of the areas:

- (i) Above the high water mark on the coastline between the first and sixth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.
- (ii) Along the line of the high water mark on the coast line between the first and the sixth points and between fourth and fifth points described in the said paragraph (a)

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HARBOUR LIMITS

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Electoral Area: ..

LIMITS OF RATHMULLAN HARBOUR

The limits of the harbour of Rathmullan, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(s) The outward limits consisting of the area contained within the following four points:

(1) $-07^{\circ} 31' 37''$ west longitude $55^{\circ} 06' 03''$ north latitude

(2) $-07^{\circ} 31' 15''$ west longitude $55^{\circ} 06' 00''$ north latitude

(3) $-07^{\circ} 31' 44''$ west longitude $55^{\circ} 05' 38''$ north latitude

(4) $-07^{\circ} 31' 56''$ west longitude $55^{\circ} 05' 40''$ north latitude

(t) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and fourth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and fourth points described in the said paragraph (a)

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Location: Rathmullen Harbour |

LIMITS OF DOWNINGS HARBOUR

The limits of the harbour of Downings, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(u) The outward limits consisting of the area contained within the following four points:

(1) $-07^{\circ} 50' 34''$ west longitude $55^{\circ} 11' 23''$ north latitude

(2) $-07^{\circ} 50' 29''$ west longitude $55^{\circ} 11' 20''$ north latitude

(3) $-07^{\circ} 50' 24''$ west longitude $55^{\circ} 11' 23''$ north latitude

(4) $-07^{\circ} 50' 32''$ west longitude $55^{\circ} 11' 26''$ north latitude

(v) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and fourth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the fourth points described in the said paragraph (a)

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Donegal County Council
Marme Section

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T•J: (074) 9172222. Fax: (074) 9141205.

John O. MoLauhhUn, BE. Director of Reads and Tra.nsport.e.tlon.

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LIMITS OF GREENCASTLE HARBOUR

The limits of the harbour of Greencastle, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(w) The outward limits consisting of the area contained within the following five points:

(1) $-06^{\circ} 59' 40''$ west longitude $55^{\circ} 11' 59''$ north latitude

(2) $-06^{\circ} 59' 37''$ west longitude $55^{\circ} 11' 51''$ north latitude

(3) $-06^{\circ} 58' 59''$ west longitude $55^{\circ} 11' 57''$ north latitude

(4) $-06^{\circ} 58' 10''$ west longitude $55^{\circ} 12' 12''$ north latitude

(5) $-06^{\circ} 58' 17''$ west longitude $55^{\circ} 12' 21''$ north latitude

(x) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and fifth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the fifth points described in the said paragraph (a)

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HARBOUR T.TMTS no+

LIMITS OF MOVILLE -CARRICKARORY HARBOUR

The limits of the harbour of Moville - Carrickarory, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(y) The outward limits consisting of the area contained within the following five points:

(1) $-07^{\circ} 03' 34''$ west longitude $55^{\circ} 10' 53''$ north latitude

(2) $-07^{\circ} 03' 22''$ west longitude $55^{\circ} 10' 49''$ north latitude

(3) $-07^{\circ} 03' 03''$ west longitude $55^{\circ} 10' 54''$ north latitude

(4) $-07^{\circ} 02' 12''$ west longitude $55^{\circ} 11' 13''$ north latitude

(5) $-07^{\circ} 02' 12''$ west longitude $55^{\circ} 11' 16''$ north latitude

(z) The inward limits consisting of the areas:

(i) Above the high water mark on the coastline between the first and fifth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.

(ii) Along the line of the high water mark on the coast line between the first and the fifth points described in the said paragraph (a)

LIMITS OF BUNCRANA HARBOUR

The limits of the harbour of Buncrana, being a harbour under the control or management of the council of the county of Donegal, are defined as follows, namely limits comprising the following two limits -

(aa) The outward limits consisting of the area contained within the following six points:

- (1) $-07^{\circ} 27' 49''$ west longitude $55^{\circ} 07' 41''$ north latitude
- (2) $-07^{\circ} 28' 03''$ west longitude $55^{\circ} 07' 35''$ north latitude
- (3) $-07^{\circ} 27' 54''$ west longitude $55^{\circ} 07' 28''$ north latitude
- (4) $-07^{\circ} 27' 37''$ west longitude $55^{\circ} 07' 37''$ north latitude
- (5) $-07^{\circ} 27' 29''$ west longitude $55^{\circ} 07' 45''$ north latitude
- (6) $-07^{\circ} 27' 29''$ west longitude $55^{\circ} 07' 46''$ north latitude

(bb) The inward limits consisting of the areas:

- (i) Above the high water mark on the coastline between the first and sixth and between the fourth and fifth points described in paragraph (a) of this Article occupied by all adjoining lands, banks, landing places, docks, piers, jetties, quays, slipways, roads, boat parks leading thereto and other works within the said points on the coastline under the control or management of the council of the county of Donegal.
- (ii) Along the line of the high water mark on the coast line between the first and the sixth and between the fourth and fifth points described in the said paragraph (a)

SECOND SCHEDULE - HARBOUR CHARGES

All charges to be levied on master or owner of vessel

Uses, services and facilities	Vessel	Charges payable
1. Entry and berthing	Boats engaged in Fishing	Entry: 2 Days
	Boat under 12m	€4 per entry or €50 per year
	Boat under 23m	€5 per entry or €75 per year
	Boat under 30m	€6 per entry or €100 per year
	Boat over 30m	€8 per entry or €120 per year
	Leisure Craft	€5 per night (under 7m.) €100 (fr Apr. - 3d1 SepQ (under 7m.) €10 per night (under 12m.) €200 (fr Apr. - 3d1 SepQ (under 12m.)
2. Landing charges for Whitefish	All Vessels	50c per 50kgs or €10 per tonne
Landing charges for Shellfish	All Vessels	15c per 50kgs or €3 per tonne
Landing charges for Mackerel, Herring.	All Vessels	25c per 50kgs or €5 per tonne
3. Use of Electricity	All Vessels	Paid by use as determined by Harbour Master or Authorised officer

4. Use of Water to fill tank	All Vessels	€25 per fill or 1.5 times annual berthage fees whichever is the lesser.
Use of water for Washing	All Vessels	€25 with permission of Harbour Master. €60 without permission of Harbour Master.
5. Use of slipway	(a) Use of slipway for launch and recovery of leisure craft (except boats serving swinging moorings) (b) Use of slipway for inspecting! wash down of fishing vessel or pleasure craft Use of slipway for inspection! wash down of passenger vessel capable of carrying more than 12 passengers	€2 per day or €25 per annum €30 per day (first 24 hours free or at discretion of harbourmaster) €50 per day (first 24 hours free or at discretion of harbourmaster)
6. Use of harbour by vessel not registered or not licensed or disregistered, hulks or derelicts	(a) up to 20 m in length for first four weeks for second four weeks for third four weeks for thereafter (b) over 20 m in length for first four weeks for second four weeks for third four weeks for thereafter	€75 per week €150 per week €300 per week €500 per week €100 per week €200 per week €400 per week €1000 per week
7. Boats anchored within harbour		€50 per annum payable on 1st entry.
8. Disposal of ship generated waste (mandatory on all vessels operating from the harbour)	Less than 10 GT 10 or more GT	€10 per month €20 per month
9 Use of harbour by vessels laid up at pier/jetty/quay/berthage/boat yard for more than 30 days or at the discretion of the harbour master/authorised officer	(a) up to 20 m in length for first four weeks for second four weeks for third four weeks for thereafter (b) over 20 m in length for first four weeks for second four weeks for third four weeks for thereafter	€75 per week €150 per week €300 per week €500 per week €100 per week €200 per week €400 per week €1000 per week

THIRD SCHEDULE

Local Government Act, 2001
Local Government Act, 2001 (Bye-Laws) Regulations 2006 - SI 362 of 2006
Harbours Act, 1996

Donegal County Council (Certain Harbours) Bye-Laws 2010

Fixed Payment Notice for the purposes of
Section 206 of the Local Government Act, 2001

Name of Local Authority: Donegal County Council

It is alleged that you have contravened the provisions of the above Bye-Laws made under Part 19 of the Local Government Act 2001 entitled as above by

at _____ on the ____ day of

During the period of twenty one days beginning on the date of this notice, you may pay the sum of €75 producing/attaching this notice, at the offices of the Local Authority named in this notice located at _____

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 is paid during that period, no prosecution will be instituted at any time.

Signed:
Harbour Master/Authorised Person

Date:

IMPORTANT: Payment will be accepted at the offices of the Local Authority specified *above* and must be accompanied by this notice. Payment may be made by post. Cheques etc. should be made payable to Donegal County Council. A receipt will be issued.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

