



## **BYE LAWS (PILOTAGE EXCEPTED)**

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**made pursuant to Section 42**  
of the Harbours Act, 1996 – 2000 (as amended)

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### **Effective Date**

These Bye Laws shall come into force at 0001 hours on the 10th day of November 2004

### **Revocation of Earlier Bye Laws**

Previous Bye-Laws and Regulations made by the Limerick Harbour Commissioners and The Foynes Harbour Trustees, and by Shannon Foynes Port Company, are hereby revoked with effect from 00.01 a.m. on the 10<sup>th</sup> Day of November 2004

## **1. INTERPRETATION**

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

“Act” means the Harbours Act, 1996.

“Company” shall mean the Shannon Foynes Port Company.

“Port” shall mean all waters, all Port Property and every Quay within the statutory jurisdiction of the Company.

“Quay” shall mean any quay, pier, jetty, wharf, dock, graving dock, in any case owned, administered or occupied by and lying within the statutory jurisdiction of the Company.

“Port Property” shall mean any building (including Shed), land, roadway or other real property in any case owned, administered, controlled or occupied by the Company.

“Ferry” shall mean a Vessel engaged in the carriage, for profit, of persons and/or any Vehicles.

“Harbour Master” shall mean the harbour master for the time being of the Company and for the purposes of these Bye-Laws shall include representatives of the Company to which the Harbour Master may delegate any of his functions pursuant to Section 37(1)(b) of the Act .

“Vessel” shall mean a ship, boat or craft of any description and shall include seaplanes, hovercraft and any other thing constructed or adapted for floating on or being submersed in water (permanently or temporarily) .

“Master” when used in relation to any Vessel shall mean the person having command or charge of such Vessel for the time being, but shall not include Pilots.

“Owner” when used in relation to any Vessel shall include the owner (including every part owner), broker, charterer, mortgagee, disponent owner, agent or person(s) for the time being in possession of such Vessel and his Agent and every consignee of such Vessel and when used in relation to Goods shall include the owner and any consignor, consignee, shipper, importer or agent for the sale, custody, receipt, loading, unloading and/or clearance of such Goods.

“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 Port or any Quay.

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

“Small Vessel” means any Vessel of less than 20 meters in length.

“Goods” includes all articles, materials, minerals and merchandise of every description and moveable articles on any Quay.

“Shed” shall mean any building leased by or belonging to the Company used for the reception and/or storage of Goods imported or for export.

“Vehicle” shall include any motor car, motor lorry, trailer, tractor, mobile crane, bus, caravan, mobile home, forklift, bobcat, motor cycle, pedal cycle, road sweeper, machinery on wheels, tracks or rails and any mechanically propelled vehicle.

“Cargo Handling Equipment” shall mean all equipment used for or in the handling of Port Cargo or goods within the Port.

“Obstruction” shall mean any object, floating or otherwise, which may obstruct the passage of vessels

- 1.2 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 employing them on being specifically authorised in writing to do so.
- 1.3 Where any Owner, Agent or Master for the time being are two or more persons obligations expressed or implied to be imposed on such person by these Bye Laws are deemed to be made by or with such persons jointly and severally:
- 1.4 Words importing one gender include all other genders and words importing the singular include the plural and vice versa.
- 1.5 References to any right of the Company to have access to or 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).
- 1.6 Any references to a specific statute or statutes include any statutory extension, consolidation, modification, amendment or re-enactment of such statute(s) and any statutory instruments, notices, regulations or orders made, issued or given under such statute and any general reference to "statute" or "statutes" includes any statutory instruments, notices, regulations or orders made under such statute or statutes.
- 1.7 The clause, paragraph and section headings of these Bye-Laws shall not be taken into account in their construction or interpretation.

## **GENERAL**

2. The Harbour Master is hereby vested with full authority to give directions, for each of the purposes contemplated by paragraphs (a) to (e) inclusive of Section 46 of the Act, to the Master of every Vessel arriving, departing or lying within the Port and each such Master shall, subject to the provisions of the Harbours Act 1996 (as amended), additionally be subject at all times to the orders and/or directions of the Harbour Master in regard to the arrival, mooring, routing, unmooring, shifting, berthing, unberthing, movement, docking, undocking or anchoring of his Vessel. The Harbour Master may give such instructions as he may see fit with regard to the purposes set out in paragraphs 1 to 42 inclusive of Part 1 of the Sixth Schedule to the Act.

3. No person, not duly 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 instructions from the Harbour Master.
4. The Master of any Vessel while navigating or lying at anchor within the Port shall at all times observe the "The International Regulations for the Prevention of Collisions at Sea 1972" and all subsequent addition or amendments thereto and these Bye-Laws (and in the event of any conflict between the two, these Bye-Laws shall have precedence).
5. All Vessels crossing mandatory report lines must report their position, direction and speed , by way of general broadcast on the designated Port Operations VHF Channel.
6. The Master of any Vessel navigating between Beagh Castle and Limerick 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 shall be at liberty to navigate his Vessel in such a manner as to obviate such risk or danger.
7. The Master of any Vessel shall not be restricted from overtaking Small Vessels. Masters or person in charge of Small Vessels shall allow faster moving Vessels to freely pass.
8. The Master of any Vessel, before passing any Vessel engaged in dredging, maintenance, repair or other works in progress within the Port, 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.
9. The Master of any Vessel which runs foul of any river light, perch, buoy or other Company property within the Port, shall report the incident immediately and make good all damage caused and, in addition, shall be deemed to have contravened this Bye-Law.
10. No Master of any Vessel shall make fast his Vessel to any lighthouse, perch or buoy, and any Master so doing shall make good to the Company all damage caused and, in addition, shall be deemed to have contravened this Bye-Law.
11. The Master, Owner or Agent of any Vessel which has sunk or stranded within the Port shall immediately notify the Harbour Master and shall immediately carry out all instructions of the Harbour Master in relation to the lighting, marking and removal of such Vessel.
12. The Harbour Master shall allocate berths in the Port and, in such allocation he shall have regard to the draft, length, beam and requirements of any particular

class of Vessel or trade. The Master and Agent of every Vessel shall immediately comply with all directions of the Harbour Master from time to time concerning the berthage of such Vessel in the Port.

13. The Master of any Vessel within the Port shall not dump or permit to be dumped any material of any kind into the waters of the Port
14. The Master of any Vessel carrying Hydrocarbons or Chemicals in bulk shall not under any circumstances allow a leakage or discharge of any such materials from his Vessel into the waters of the Port and any Master failing to prevent such a spillage or leakage will be deemed to have contravened this Bye-Law.
15. No person shall (or attempt to) extinguish, obscure or interfere with any lights or river navigation lights or buoys within the Port and any person so doing shall be deemed to have contravened this Bye-Law.
16. No person shall damage any of the Company's property, wilfully or otherwise, and any person so doing shall make good to the Company the cost of repairing such damage and shall, in addition, be deemed to have contravened this Bye-Law.
17. No person shall (or shall attempt to) remove or relocate any of the Company's property, and any person so doing shall make good the loss or damage sustained thereby, and shall in addition be deemed to have contravened this Bye-Law.
18. No person shall improperly interfere with any machinery or equipment belonging to or in the control of the Company, and any person so doing shall make good to the Company all losses and damages caused thereby and shall in addition be deemed to have contravened this Bye-Law.
19. No person shall dispose of any waste anywhere in the Port or on the Company's property. Any person so doing shall be deemed to have contravened this Bye-Law.
20. No person shall obstruct, or attempt to obstruct, any officer or servant of the Company in the discharge of his duties.
21. No person shall damage, remove, interfere with or render useless, wilfully or otherwise, any safety and/or lifesaving appliance provided by the Company. Any person so doing will be liable for the cost of replacing such item(s) and shall additionally be deemed to have contravened this Bye-Law.
22. The Harbour Master may issue notices from time to time regulating the use of the Port for fishing
23. The Harbour Master may, without warning, remove any obstruction within the Port.

24. The owner will be charged such fees for the removal as shall be specified by the Company

### **VESSELS ARRIVING**

25. The Master of any Vessel having on board Hazardous Goods or Dangerous Goods (as these terms are defined in the “International Maritime Dangerous Goods Code”) shall notify the Harbour Master twenty-four hours prior to his arrival in the Port of such fact and of the nature and quantity of such goods on board.
26. The Master of every Vessel shall ensure that his Agent correctly completes and submits a current “pre-arrival” form to the Harbour Master at least twenty-four hours prior to the Vessel’s arrival at the Port and further that his Agent answers all enquiries of the Harbour Master concerning the Vessel.
27. The Master of every Vessel arriving in the Port, who is required for whatever reason to proceed to anchor, shall only do so in designated anchorages relative to the Vessel’s size draft and cargo, and in accordance with the directions of the Harbour Master

### **VESSELS IN PORT**

25. The Master of every Vessel moored at any Quay, shall fix mooring lines to the mooring posts, mooring rings or bollards provided for that purpose.
26. 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.
27. The Master of every Vessel using the Port shall provide a safe means of access thereto and egress therefrom in compliance with National Regulations.
28. The Master of every Vessel departing from any berth shall ensure that the channel of departure is clear before he casts off.
29. The Master of every Vessel shall provide his Vessel with adequate fenders for the protection of his own Vessels, other Vessels and all Quay structures.
30. The Master of any Vessel (other than a Vessel carrying explosive petroleum or hazardous materials), shall not refuse permission to another Vessel to berth outside his own and shall allow free passage of persons over his own Vessel to such outside Vessel but only in a manner and to such an extent as the Harbour Master shall deem advisable or necessary.

31. The Master of any Vessel shall not, without the permission of the Harbour Master, allow propellers to be worked while such Vessel is moored to any Quay.
32. The Master of any Vessel within the Port shall not allow the engine of such Vessel to be immobilised without the permission of the Harbour Master.
33. No person shall remove a Vessel from one berth in the Port to another berth in the Port without the permission of the Harbour Master.
34. 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 Port, and if such Master shall, on being so required, refuse or neglect to remove such Vessel promptly, the Harbour Master shall be entitled to effect such a removal and the Master or Owner of such Vessel shall in such event pay to the Company on demand all costs attending such removal, and the Master shall be deemed to have contravened this Bye-Law.
35. The person engaged in loading or unloading any Vessel shall cease working when required to do so by the Harbour Master in connection with the removal of a Vessel under the foregoing Bye-Law.
36. The Master of any Vessel within the Port shall not absent himself from such Vessel without leaving competent persons on board to receive and carry out all orders of the Harbour Master.
37. No material described under Marpol Annex 5 1973/78 may be placed upon any Quay within the Port except into the special containers appropriately designed and maintained to receive such materials. Any Master failing to procure compliance with this Bye-Law shall be deemed to have contravened this Bye-Law.
38. The Master of any Vessel within the Port shall ensure that, during the hours of darkness, good and sufficient lighting is provided near gangways, passages and all working areas to ensure the safety of persons embarking or disembarking from such Vessel in accordance with all applicable legislation from time to time in force.
39. 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 Port, except to a container provided by such person specifically for such purpose.
40. No person shall disregard, or permit to be disregarded, into the waters within the Port any item, rubbish, matter or thing, and any person doing so in contravention of this Bye-Law shall pay to the Company on demand by the Harbour Master the cost of removal and disposal of such item, rubbish, matter or thing.

## **SMALL VESSELS**

41. Any person(s) in charge of any Vessel propelled by oars shall not impede the passage of any Vessel and shall maintain a proper lookout to ensure that they are aware of the approach of other Vessels.
42. Any person(s) in charge of any rowing club boats, pleasure craft and/or fishing craft in the Port shall acquaint themselves with the Port traffic due together with likely time of arrival or departure of other Vessels to or from the Port by contacting the Company's Marine Operations Office in advance, and shall not impede the safe navigation of Vessels.
43. Every person in charge of any rowing club boat(s) shall at all times when on any waters of the Port, ensure that they are accompanied by a club safety boat.
44. Every Small Vessel that has been permitted to moor within the Port shall be made fast to safe moorings out of the navigable channels of the Port in a location approved by the Harbour Master. The Owner of any Small Vessel going adrift within the Port shall report such occurrence immediately to the Harbour Master and shall proceed immediately to recover the drifting Vessel and make it fast again to its moorings and if for any reason the Owner fails to do so the Harbour Master shall be entitled to cause such drifting Vessel to be recovered and held by the Company until the cost of such recovery shall be made good to the Company by the Owner who shall furthermore be deemed to have contravened this Bye-Law.
45. All moorings for Small Vessels are granted under licence of the Company on an annual basis, and shall be subject to charges in accordance with the rates appearing in the Company's Schedule of Charges from time to time.

## **CARGO**

46. The Master of any Vessel unloading or loading any Hazardous or Dangerous Goods (as described in the International Maritime Dangerous Goods Code) shall not allow any light to be placed in the hold of such a Vessel unless it is of an approved type.
47. Every person engaged in the loading or unloading of any Vessel shall take whatever precautions are necessary and/or directed by the Harbour Master to prevent any Goods from falling into the waters of the Port, 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 paid by the Master to the Company on demand by the Company and the Master shall, in addition, be deemed to have contravened this Bye-Law.

48. Any person engaged in the transport by Vehicle of any loose Goods who permits the same to fall from their Vehicle onto any Quay 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 paid by such person to the Company on demand by the Company and such person shall, in addition, be deemed to have contravened this Bye-Law.
49. Loading and/or discharging of bulk cargos shall only commence when all the requirements of Code of Practice for the Safe Loading and Unloading of Bulk Carriers (as published from time to time by the International Maritime Organisation) have been complied with and all such loading and unloading shall be carried out wholly in compliance with such Code.

### **SAFETY**

50. No person in charge of a Vehicle shall drive such Vehicle along any Quay at a speed in excess of the advertised limit, or in a dangerous, careless, or reckless manner.
51. No person shall allow a Vehicle in his charge to remain in any Shed or on any Quay within the Port for a longer period than is necessary for the loading or unloading of Goods, nor shall such person dispose park or leave his Vehicle in such a manner, wilfully or otherwise, so as to prevent or hinder free passage along such Quay, the loading or unloading of any Vessel or any other operation in connection with the Port. Every person in charge of a Vehicle on any Quay shall at all times abide by the instructions from time to time of the Harbour Master, and any person failing to comply with these instructions shall, when requested to do so, remove any Vehicle in his charge and in the event of his failure to comply with this request such Vehicle, on the instructions of the Harbour Master, may be removed by a duly authorised representative of the Company.
52. No person shall, without the prior consent of the Harbour Master, build or repair any Vessel or craft, or assemble, build or repair any machinery or plant on any Quay or any other part of the Company's property.
53. No person shall smoke, burn tobacco or other substances, light matches or use a mechanical lighter, within or near any shed or near any inflammable goods, within or near any oil storage plant, or near any Vessel discharging or loading petroleum, petroleum products or inflammable goods (as described in the International Maritime Dangerous Goods Code).
54. No person shall set a fire, use a blow lamp, oxy-acetelene torch or any other instrument emitting flame at any location within the Port without the prior permission of the Harbour Master.

55. No person shall enter any property of the Company except for the purpose of lawful business and any person entering such property and failing to leave immediately when requested to do so by the Harbour Master or other duly authorised servant of the Company shall be deemed to have contravened this Bye-Law.
56. Any person(s) whose property allows access to or gives entry to the Company's property shall not permit any persons to enter or leave the Company's property thereby save in accordance with the Company's directions from time to time.
57. Gates giving access to the Company's property shall be opened and closed at the Company's discretion.
58. No person shall bath at any of the Company's property or from any Vessel within the Port.
59. No person shall be permitted to undertake any act which in the opinion of the Harbour Master constitutes an act of nuisance.
60. Any idle or disorderly persons shall forthwith leave the Company's property when requested to do so by the Harbour Master or other duly authorised servant of the Company and if such idle or disorderly person fails to comply with this request they shall be deemed to have contravened this Bye-Law and may be removed by the Harbour Master or a representative of the Company at any time.
61. No person on any Vessel may discharge pyrotechnics, firearms or explosives within the Port except in circumstances where the Master declares a distress.

#### **GOODS ON QUAYS, JETTIES OR PIERS AND IN SHEDS**

62. No Goods shall be deposited on any Quay or in any building or Shed except such Goods as are intended to be immediately shipped through the Port or have been discharged from a Vessel using the Port and all Goods so deposited shall be deposited in accordance with the directions of the Harbour Master or duly authorised representative of the Company and shall be immediately removed or relocated as the Harbour Master or duly authorised representative of the Company may from time to time direct.
63. All Goods to be deposited on Quays shall be deposited and kept in such a manner as not to interfere with the free safe passage of Vehicles, including emergency response vehicles, along any Quay, and in accordance with the instructions of the Harbour Master for time to time .

64. Goods deposited on Quays shall not be deposited in a manner or location which impedes the mooring or unmooring of any Vessel, or interferes with Fire Hydrants and there shall be left between such Goods so deposited and the edge of such Quays a clear space of not less than two metres and clear of all mooring posts.
65. All stevedores and other persons engaged in the handling of Goods on any Quay shall be subject to the instructions of the Harbour Master.
66. Where Goods have been deposited on Quays in such a manner as to contravene any of these Bye-Laws, the Owner of such Goods shall on receipt of written instruction from the Harbour Master to do so, have the Goods removed to the location nominated by the Harbour Master, and if the said Owner fails to comply with this requirement then the Owner shall be deemed to have contravened this Bye-Law and the Company shall be entitled to cause such Goods to be removed whereupon the Owner shall pay to the Company on demand the cost of such removal.
67. 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 or in any Shed.
68. All Goods deposited on any Quay or in any building or Shed shall be so deposited entirely at the Owner's risk and the Owner shall, if directed to do so by the Harbour Master or duly authorised representative of the Company, appoint a person or persons for the proper surveillance of any such Goods so deposited.
69. No Goods shall be exposed for sale on any Quay or in any building or Shed except where such Goods are being sold by the Company under the provisions of the Act or by order of the Revenue Commissioners.
70. 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 Port shall be permitted to remain on any Quay free of charge for such periods 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 sum per day as the Company may fix from time to time.
71. Vehicles carrying Goods other than Goods imported or intended for immediate export through the Port shall not park on any Company property.
72. All Vehicles shall, when not engaged in the carriage of Goods to or from the Company's property, park in a manner so as not to impede the safe passage of

persons Goods and other Vehicles to and along any Quay and shall at all times be subject to the directions of the Harbour Master.

73. All sums 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.

### **USE OF CARGO HANDLING EQUIPMENT**

74. The use, in the Port, of any Cargo Handling Equipment shall be subject to the following conditions:-

a) the use of such equipment shall be restricted to the handling of Goods belonging to the Owner of the said equipment and not otherwise without the prior consent of the Company.

b) the said equipment shall at all times be in the charge of a competent person who shall be constantly in attendance during its use.

c) no repairs shall be carried out to the said 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 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 duly authorised representative of the Company shall from time to time direct.

f) the said equipment shall be fitted with sufficient fire extinguishers of a type approved by the Company and no fuel tank of the said equipment shall be filled or emptied in any part of the Port except with the permission of the Harbour Master and only in such place as is designated by him for such purpose.

g) The owner of any such equipment shall carry out such fire prevention measures as shall be directed from time to time by the Company.

h) 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 the said 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 Port, and the said owner shall at all times insure against such risks and the policy and premium receipts in respect of said insurance shall be produced to the Company on demand .

i) notwithstanding the foregoing no cranes 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.

75. 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 these Bye-Laws are duly observed.

### **USE OF THE COMPANY'S CARGO HANDLING EQUIPMENT**

76. Applications for the use of the Company's cargo handling equipment are to be made at the Company's offices between the hours of 9.00 am and 5.30 p.m. on weekdays. All such applications must be made not less than twelve hours before the time that the Cargo Handling Equipment is required for use.
77. Applicants must state the weight and nature of the Goods to be lifted, the name of the Vessel concerned (if any) and any further particulars which may be required by the Company, and all such applicants shall be liable for any loss or damage due to accident or delay which may result from the furnishing of incorrect information.
78. The use of the Company's Cargo Handling Equipment will be granted in accordance with such priority of application as the Company may in its absolute discretion determine.
80. All persons using the Company's Cargo Handling Equipment shall duly observe and be bound by these Bye-Laws.
81. No responsibility whatsoever will be accepted by the Company in any circumstances for any failure or omission on the part of the Company to have any of its Cargo Handling Equipment or appliances available or working at any specified time or during any period of time.
82. The Company will not be liable in any circumstances for any damage or injury to any property or person arising from any use of any of the Company's Cargo Handling Equipment (irrespective of the condition of such equipment) or for any delay, or any other consequences of any nature which may follow upon a breakdown or stoppage of any Cargo Handling Equipment or appliances from any cause whatsoever. The applicant to the Company for the use of any of its Cargo Handling Equipment 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 Port, and the said applicant shall at all times insure

against such risks and the policy and premium receipts in respect of said insurance shall be produced to the Company on demand.

83. There shall be payable by every person making use of the Company's Cargo Handling Equipment such charges as may be fixed from time to time by the Company.

### **FERRIES**

84. The Harbour Master shall regulate the manner in which any Ferry may carry on operations within the Port and all Ferries plying in the Port shall be subject to the instructions of the Harbour Master, and shall, by way of general broadcast, on the designated Port Operations VHF Channel, make known their intention, on each occasion, to depart from any Quay.
85. All Ferries when transiting the Port shall at all times give way to commercial Vessels using any Navigation Channel therein.
86. 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.

### **TUGS**

87. The Harbour Master shall regulate the manner in which any towage is carried out within the Port and all tugs operating within the Port 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 interest of the safety of persons and property, the Owners and operators of tugs employed to assist in the berthing and un-berthing of Vessels within the Port shall comply with the following minimum standards:
- (1) Tugs shall be classed with a member of the International Association of Classification Societies and shall be maintained in Class at all times.
  - (2) All tugs shall be manned by a competent, qualified crew in accordance with the requirements of the Flag State.
  - (3) Before any tug initially commences operations within the Port the Master must satisfy and demonstrate to the Harbour Master his knowledge of local conditions.
  - (4) All tugs shall operate an internationally recognised Quality Management System

- (5) All tugs when underway shall ensure that an operating Transponder Beacon, to the specification required by the Harbour Master, is in use at all times.
- (6) All tugs when required by the Harbour Master shall undergo a bollard test in the presence of the Harbour Master or designated officer.

### **USE OF GRAVING DOCK**

88. Where any reference is made in Bye-Laws numbered 88 to 116 inclusive to duties or obligations to be carried out by, or to liabilities or prohibitions imposed upon, the Owner of a Vessel, the reference shall be construed as meaning that such duties, obligations, liabilities or prohibitions shall be carried out by or imposed upon the Owner and upon any contractor engaged by the Owner in connection with the breach of these Bye Laws, jointly and severally.
89. Access to and/or the use of any Graving Dock in the Port shall be entirely at the discretion of the Company. There shall be payable by the Owner of every Vessel making use of any Graving Dock of the Company such charges as are fixed from time to time by the Company.
90. Before the admission of any Vessel (other than a Vessel belonging to or in the possession of the Company) to any Graving Dock of the Company, the following steps shall be taken and the following formalities and directions observed:-
91. The Owner of the said Vessel shall sign an application in the form for the time being prescribed by the Company wherein he shall furnish whatsoever information as shall be required in relation to the said Vessel and such other information as the Harbour Master of the Company shall deem to be necessary.
92. At the time of or immediately after signing such application the Owner, having regard to the classification of his Vessel, shall pay for the use of the said Graving Dock a deposit equal in amount to the minimum charge payable in accordance with the Schedule of Charges of the Company for the time being in force and such deposit shall be treated as a payment on account of the charges finally ascertained to be due by him. In the event that, the Dock being ready to receive her, the said Vessel fails to enter the Graving Dock on the tide stated her turn shall be forfeited and the Owner shall pay the charges for the tide or tides in question unless, on receipt of a report in writing from the Harbour Master, the Company is satisfied that such failure was unavoidable.
93. The Owner of a Vessel in respect of which an application for the use of the Dock has been made, and which Vessel fails to enter the Graving Dock, shall forfeit as

much of the deposit as shall, on a written Certificate from the Company to that effect, be sufficient to cover the initial expenses of getting the Graving Dock ready to receive the said Vessel.

94. An application shall not be made for the Graving Dock for a date more than one calendar month subsequent to the date of such application.
95. Vessels for which applications have been duly made for admission to the Graving Dock shall be admitted in a priority governed by the date and order of their respective applications. Applicants are not entitled to make any exchange of their respective turns unless the consent in writing of the Harbour Master and of the Owners of every other Vessel affected by such proposed exchange be previously obtained and delivered to the Harbour Master in advance of such exchange.
96. Vessels belonging to, or in the possession of, the Company shall at all times have priority over other Vessels in the use of the Graving Dock.
97. (a) Notwithstanding anything to the contrary contained in these Bye-Laws, where any Vessel is, in the judgment of the Harbour Master, in such a condition as to render her immediate admission to the Graving Dock necessary for the purposes of her preservation from loss or serious damage, the Harbour Master may, on application of her Owner, permit such Vessels such admission to the Graving Dock in priority to any other applicant awaiting access thereto.  
  
(b) A Vessel receiving priority by virtue of this Bye-Law shall only be permitted to remain in the Dock while temporary repairs are effected sufficient to put her into a fit condition to await in safety her turn for more extensive repairs, for which it will be necessary that a new application be made by her Owner.
98. The hours for docking or undocking of Vessels in the Graving Dock shall be the normal working hours of the Company's staff. Any docking or undocking of any Vessel outside these hours shall be entirely at the Company's discretion and in respect thereof the Company may make such additional charges as the Company may determine at that time.
99. All Vessels docking at any Graving Dock shall be squared up at the entrance or approach to the Dock, at least one hour before the time at which they are to be admitted, and shall be properly and sufficiently manned and equipped to the reasonable satisfaction of the Harbour Master and the Master and crews of all Vessels docking or undocking in the Graving Dock shall stand by as ordered by the Harbour Master.
100. Notice in writing must be given to the Harbour Master if the Vessel's static stability has been altered during the time a Vessel has been in the Graving Dock in any way which may alter her draft or affect her stability when re-floated.

101. The Owner of any Vessel in any Graving Dock of the Company will be charged by the Company for the entire period during which such Vessel remains in the Graving Dock irrespective of how her detention may arise **SAVE THAT** in any case where the Harbour Master makes a report in writing to the Company as to the causes of such detention, and the Company is satisfied from such report that the detention of such Vessel has not in any way been caused or contributed to by any neglect, delay, default, or action on the part of her Owner or any contractor engaged by the Owner, or of any persons in the employment of her Owner or contractor, the Company may waive, at its discretion, some or all of such charges incurred in respect of any said Vessel, or any part of such charges.
102. If, before a Vessel is docked, the Owner requires the Dock to be pumped out for inspection or adjustment of the blocks, the Company shall facilitate such request if reasonably possible and sufficient notice has been given **SAVE THAT** the Owner shall pay the Company the entire cost of such pumping.
103. In addition to all sums which may be chargeable for the use of the Graving Dock, the Company may charge for all capping pieces, gear equipment and/or appliances supplied by the Company for the use of the Vessel occupying the Graving Dock and also for any extra pumping rendered necessary through a Vessel emptying or filling her tanks whilst in the Graving Dock.
104. The Master of any Vessel in the Graving Dock shall not take out of or put into such Vessel any rubbish, ballast, cargo or other matter without the prior consent of the Harbour Master.
105. No person shall heat any pitch tar, turpentine or other combustible or light any fire in the vicinity of the Graving Dock, save subject to such conditions, at such places and during such hours as are from time to time approved in advance by the Harbour Master.
106. Where a passenger gangway is supplied by the Company for communication with the shore, workmen or other authorised persons, such gangway shall be under the control of the Master of the Vessel and must not be used for any other purpose or for the passage of any gear or machinery.
107. The Owner shall be additionally liable to the Company to pay for all damage, as estimated by the Company, to the Graving Dock, its blocks, shores, capping pieces, or its other appliances, caused by a Vessel docking or undocking or while in the Graving Dock, and this liability shall be in addition to the other charges for which such Vessel may be liable.
108. No keel blocks or capping pieces, except those immediately supporting the Vessel undergoing repairs, are to be removed at any time by any person save with the specific authority of the Harbour Master and such blocks, capping pieces, or cotter

pins as are supporting any Vessel shall be carefully replaced under the direction of the Harbour Master (but not otherwise) before the Vessel is refloated.

109. All rafts or floating stages brought into the Graving Dock shall be properly moored to prevent damage and shall be removed with the Vessel for whose repairs they were used.
110. No Vessel shall be permitted to leave the Graving Dock, until the hull shall have been swept by a loop line, so as to detach any blocks or other timber which may be adhering to the bottom. This procedure must be done when the Vessel is fully afloat and to the satisfaction of the Harbour Master.
110. All baulks, shores, blocks, or other materials or plant must be raised and lowered by the timber slides provided for that purpose and on no account shall such timbers be thrown down the steps of the Graving Dock.
112. No keel blocks are to be used for shoring, punching or cutting copper or for any other purpose other than supporting the keel of the Vessel under repairs.
113. All chips and other rubbish generated from work on a Vessel in the Graving Dock shall be removed by the Master of the Vessel undergoing such work, at such times as the Harbour Master shall direct failing which the Company shall be entitled to remove same whereupon the Master of the Vessel shall be liable to reimburse to the Company the entire cost incurred in such removal.
114. No blocks, shores or other plant intended for the use of the Graving Dock are to be removed outside the Graving Dock yard without the prior consent in writing of the Company.
115. The Owner of any Vessel which has carried any tar, petroleum, oil, inflammable fluid or substance in any form, whether as cargo or part of her cargo, or for bunkers, shall, before such Vessel is admitted to the Graving Dock, obtain and produce to the Harbour Master a certificate in writing from a competent analytical chemist certifying that the Vessel and all tanks therein are free from gases and dangerous, inflammable, or explosive fumes.
116. Any person neglecting or refusing to comply with any of these Bye-Laws may, by order of the Harbour Master, be excluded from work upon any Vessel in the Graving Dock without prejudice to the recovery of any penalty from such person under these Bye-Laws, or any other remedy against him.

### **ENFORCEMENT, PENALTIES AND INVESTIGATIONS**

117. Subject to the provisions of the Act, the Harbour Master and any representative of the Company shall have full authority for the enforcement of these Bye-Laws and all future regulations made by the Company in relation to the Port.
118. Where the Harbour Master or a 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 to the Harbour Master or representative of the Company.
119. Where the Harbour Master or a representative of the Company reasonably believes that there has been a contravention of these Bye-Laws by the Master of a Vessel or the driver of a Vehicle, the Harbour Master or a representative of the Company may demand the name and address of the driver and the Owner of the Vehicle and/or the Master and Owner of the Vessel. In addition, the Harbour Master or a representative of the Company may, with the permission of the driver, or the Master, search the Vehicle or Vessel in question.
120. Detection by any Owner or Master of any stowaways or illegal immigrants or asylum seekers shall be reported immediately to the Gardai and to the Harbour Master .
121. Any person who contravenes or otherwise fails to comply with any of these Bye-Laws or any direction, order, 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 shall be liable, inter alia, on summary conviction, to a fine not exceeding €1,905 or imprisonment for a term not exceeding 12 months or both pursuant to Section 6(2) of the Act.
122. 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 also 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 Act whether or not proceedings for the offence are taken against any other person.
123. In any proceedings for an offence caused by a contravention of these bye-laws, it shall be a defence for the person charged to prove:-
- (i) that he took all reasonable precautions and exercised all due diligence to avoid the committing of such contravention resulting in such offence; or
  - (ii) that he had a reasonable excuse for his act or failure to act.

and if in any case the defence provided by paragraph (i) of this Bye-Law 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.

124. 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 deemed necessary for the purposes of carrying out the functions of Harbour Master and under these Bye-Laws, including, but not limited to, any accident, fire, environmental or polluting incident or potentially polluting or contaminating incident arising within the Port or involving, in his opinion, any damage to property or injury to persons adjacent to the Port or any threat or possibility of any of the same.

### **THE COMPANY'S SCHEDULE OF CHARGES**

125. The Company shall be entitled to charge for the use of its facilities (including any services which it shall from time to time provide) such sums as the Company shall in its discretion publish in its Schedule of Charges from time to time. All Schedules of Charges so published by the Company from time to time may be varied entirely at the discretion of the Company by publication of a subsequent Schedule of Charges.
126. The Company shall be entitled to exercise a lien (which lien shall be in addition to and not in substitution for all other equitable and/or contractual rights and remedies available to the Company) over the Goods and/or Vessel in the ownership, possession or control of any Owner or Master who fails to pay any sum from time to time payable by that Owner or Master in respect of any services and/or facilities of the Company engaged, employed or enjoyed by such Owner or Master.
127. Unless specified otherwise in writing by the Company, all sums, charges, penalties, outgoings, costs, damages, expenses and reimbursements payable under these Bye-Laws to the Company (whether for breach of these Bye-Laws or otherwise) shall fall due for immediate payment upon issue of written demand to the person liable therefor.
128. If any person (whether an Owner, Master, Agent or otherwise) shall fail or refuse to pay to the Company, within 21 days of written demand, such penalties, sums, costs, damages, reimbursements, charges, expenses or outgoings for which that person shall be liable to pay, 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, the Customer shall be liable to the Company for all legal costs

and expenses incurred by the Company in seeking payment of any payments due by the Customer.

### **SECURITY OF THE PORT**

129. Every person entering into any part of the Port shall abide by 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 Port and compliance with the International Code for the Security of Ships and of Port Facilities (as published from time to time by the International Maritime Organisation). The Company shall be entitled, from time to time to issue such supplementary Bye-Laws and notices as it shall deem fit from time to time for the management and security of the Port and all supplementary Bye-Laws and notices 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.
130. Any Vehicle parked in a manner which contravenes these Bye-Laws may be removed to a compound for storage or disposal and the cost of storage/disposal shall be borne by the owner 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 wilful neglect or default.
131. Where the Harbour Master, Port Facility Security Officer, Alternate Port Facility Security Officer or Port Security Guard finds within the Harbour Premises a Vehicle at rest in contravention of any security regulations made by the Port Facility Officer, they may fix an immobilisation device to the Vehicle or remove it to another place and there fix an immobilisation device.
- (a) When on any occasion an immobilisation device has been affixed to a Vehicle in accordance with this Bye-Law, a warning notice shall also be affixed thereto indicating that:
- an immobilisation device has been affixed and that no attempt should be made to drive the Vehicle or otherwise put it in motion, 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 of immobilisation device affixed to a Vehicle.
- (b) A Vehicle to which an immobilisation device has been affixed may only be released from the device b or under the direction of the Port Facility Security Officer, Alternate Port Facility Security Officer, Port Security Guard, in the manner specified in the notice affixed to the Vehicle under clause (a) above, and subject to receipt of the sum specified in the said notice.

