Fishery Harbour Centre (Management, Control, Operation and Development) Bye Laws, 1979

I, Brian Lenihan, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by Section 4 (2) (a) of the Fishery Harbour Centres Act, 1968 (No. 18 of 1968), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) (as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order 1978 (S.I. No. 195 of 1978)), hereby make the following Bye-Laws for the management, control, operation and development of the fishery harbour centres and do hereby order as follows:

1. These Bye-Laws may be cited as the Fishery Harbour Centre (Management, Control, Operation and Development) Bye Laws, 1979.
2. These Bye-Laws shall come into operation on the on the 11th day of October, 1979.

Definitions

3. In these Bye-Laws –
   "the Minister" means the Minister for Fisheries and Forestry;

   "a port" means a fishery harbour centre;

   "a harbour master" means an officer appointed by the Minister to manage, control and operate a fishery harbour centre or any person appointed by the minister to assist a harbour master or to perform his duties during his absence;

   "a port officer" means a harbour master or any duly authorised officer acting on his behalf;

   "vessel" means a waterborne craft of any type whatsoever whether self-propelled or not and includes air cushion craft;

   "fish" has the same meaning as in the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959);

   "master" in relation to a vessel, means the person having command or charge of the vessel for the time being, but does not include a pilot;

   "owner" in relation to a vessel, means the owner or charterer of such vessel and his agent and every consignee of such vessel, and, in relation to goods (as hereinafter defined), means the owner of the goods, and any consignor, consignee, skipper or agent of the sale or custody of such goods;

   "goods" include fish, fish boxes, livestock, minerals, wares, chattels, ballast, sand, gravel, and dredging materials and merchandise of every description;

   "vehicle" means every kind of vehicle and every means of conveyance on wheels, tracks or half-tracks, however propelled or drawn for carrying a person or thing;

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

Movement of Vessels in a Port

4. The master or owner of a vessel other than a fishing vessel of a registered length of 29 metres or less or of a net register tonnage of 61 tonnes (169.80 cubic metres) or less, shall, immediately on arrival at a port, report the 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.

5. All vessels entering or leaving or being within a port shall be in all respects under the control of the harbour master whose directions shall be obeyed by the master.

6. A direction or requirement by or on the authority of the harbour master to the master of a vessel shall not extend or diminish any responsibility of the master of the vessel in relation to the vessel or the cargo thereof.

7. A vessel approaching, entering, leaving or moving within a port shall be navigated in a proper and seamanlike manner and at no greater speed than five knots.

8. The master or owner of a vessel shall not negligently or wilfully permit the vessel to run foul of any of the quays, jetties, ferries, slips, perches, buoys, works, plant, fixtures or other property in a port.

9. No person other than the harbour master or a person duly authorised by him shall by hailing, calling, or otherwise from piers or any part of a port or from any vessel, attempt to regulate or control or alter the movement of any vessel within the port.

10. A harbour master may direct the master or owner of a vessel to moor, unmoor, or move the vessel the vessel, and in the event of failure to obey such directions or if there be no person on board, he may arrange for the mooring, unmooring or moving of the vessel as the case may be at the owner's risk and the cost thereof shall be charged against the master or owner of the vessel.

11. A master shall not absent himself from his vessel while it is afloat in a port without leaving it in charge of a person fully qualified and able to shift the vessel should the necessity to do so arise.

12. A master of a vessel other than a fishing vessel of a registered length of 29 metres or less or of a net register tonnage of 61 tonnes (169.80 cubic metres) or less, before removing the vessel from a berth in a port, shall give notice of his intention to do so to the harbour master.

13. A person shall not move a vessel from one berth to another except with the prior consent of the harbour master.

14. A person shall not, in a port –
    (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 or move while another vessel near enough to foul is moving in the port, or
    (c) cause a vessel to cast loose or move in the port so as to cause damage or come into collision with any vessel in the act of swinging.

Vessels at Rest in a Port

15. A vessel shall not be anchored or moored within a port elsewhere than at a place designated by the harbour master.

16. Save with the permission of the harbour master, vessels shall not lie alongside any quay in a port except when loading or discharging cargo or when taking on fuel, water, ice or other necessary supplies, all of which operations shall be carried out as expeditiously as possible.

17. Every vessel lying at a quay in a port shall be so berthed as to lie broadside to the quay, except where the harbour master permits otherwise.

18. Vessels shall bit be moored two or more abreast at a quay without the permission of the harbour master.

19. Save with the permission of the harbour master a vessel shall not lie at or abreast of any ferry or slip or steps in a port.

20. Vessels moored or anchored in a port shall exhibit suitable lights whenever required by the harbour master to do so.

21. The master of a vessel which is moored in a port to a quay or to another vessel alongside the quay shall, if the outside of the vessel furthest from the quay is more than 24 metres from the edge of the quay, exhibit from sunset to sunrise a conspicuous white light on the outside of his vessel visible in all directions from which another vessel can approach.

22. While a vessel is moored at a quay in a port its engine should not be tried out without the permission of the harbour master.

23. Vessels may be made fast in a port only to the bollards, mooring rings or mooring buoys, provided for that purpose.

24. The mooring lines used by vessels in a port shall be of adequate length.

25. A rope, chain or impediment shall not, except temporarily in case of emergency, be laid or run from a vessel in a port across any steps, stairs or

ladders leading from a quay to the water so as to obstruct the free passage up and down such steps, stairs or ladders.

26. No person shall unlawfully cut adrift or unloose any vessel which may be made fast or moored in any part of a port nor when any vessel has been moored in a port with the consent of the harbour master shall any unauthorised person without his express permission alter or remove the same or attempt to do so.

27. The master or owner of any vessel in a port shall provide his vessel with sufficient fenders or other suitable appliances for the protection of piers or of his own or another vessel. The master or owner of a vessel may not use or permit to be used in a port any fender which cannot float on the surface of the water, nor after notice thereof, any fender of which the harbour master disapproves.

28. The master or owner of a vessel which has sunk or stranded in a port shall immediately give notice of the occurrence to the harbour master and shall carry out his instructions as to the lighting, buoying and removal of the vessel. If the master or owner fails to obey such instructions without delay, the harbour master may arrange for the lighting, buoying and removal of the vessel at the owner's risk, and the cost thereof shall be charged against the master or owner of the vessel.

29. The masters, owners and crews of vessels occupying berths at a quay in a port shall, if so required by the harbour master give free access over the decks of their vessels for persons and goods to and from other vessels berthed alongside them.

30. The master of a vessel shall cause all gangways and stages used for the purpose of access to the vessel to be placed in a safe position, duly protected and securely fastened, and to be so maintained at all times when in use, and to be adequately illuminated when necessary.

31. A person shall not lay moorings in a port without the written permission of the harbour master and shall take up any moorings laid when the same shall cease to be used regularly and when instructed to do so by the harbour master.

32. A person shall not lay moorings in a port without first completing a mooring agreement and paying the appropriate licence fee.

33. The licence holder of each mooring position in a port shall inform the harbour master of the type and name of the vessel using the position and any change in the name or type of such vessel shall be notified immediately to the harbour master. If a person to whom a mooring position has been allocated no longer requires it or does not wish to renew the licence, shall surrender the position to the harbour master and not to any other person.

34. All such moorings shall be to such specifications and in such positions as the harbour master shall deem fit.

35. No timber, trees, wood spars, shell fish storage boxes or pots or other articles or other articles or things whatsoever (other than vessels) shall be moored to buoys or placed in any part of a port without the permission of the harbour master.

36. The master of a vessel shall, upon casting anchor in a port, cause a buoy to be fastened forthwith to the anchor in such a manner that it may be plainly seen where the anchor has been cast.

37. The master of a vessel may not leave any anchor that may have been dropped or slipped from the vessel in a port without a buoy to mark its position and such anchor shall be removed without delay.

38. The owner of a raft, anchor buoy or other thing lying in the waterway of a port shall being so required by the harbour master, cause the same to be removed immediately from where it is to such other place as the harbour master may direct.

39. The harbour master shall in respect of any article or thing he deems to be an obstruction in a port including a vessel laid up as unfit for sea service or a wrecked or derelict vessel require the owner or former owner, as the case may be, to remove and dispose of the obstruction to the satisfaction of the harbour master and in the event of the owner or former owner failing to do so within a reasonable time, the harbour master may, at the owner's risk, arrange for its removal and disposal as he considers fit including the sale of it or any part of it. 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 or former owner as the case may be. If the proceeds of the sale are insufficient to meet the cost of removal and disposal, the balance outstanding shall be recovered from the owner or former owners as the case may be.

40. when the harbour master deems it inadvisable to offer an article to which the immediately preceding Bye-Law applies, for sale or it cannot be sold, he shall arrange for its destruction and the expense incurred thereby shall be paid by the owner or former owner as the case may be.

41. without prejudice to the powers of the chief medical officer of a health authority established under the Health Act, 1970 (No. 1 of 1970), acting under the provisions of the Infectious Diseases Regulations, 1948 (S.I. No. 99 of 1948), or the Infectious Diseases (Shipping) Regulations, 1948 (S.I. No. 170 of 1948), a master of a vessel shall not permit the vessel to be fumigated in a port for any purpose without the permission in writing of the harbour master, and such operations shall be at the risk of the owner of the vessel.

42. The port officers may at any tome board a vessel within a port and inspect it or any part of it, in the execution of their duty.

Loading and Unloading Vessels in a Port

43. The master or owner is a vessel other than a fishing vessel of a registered length of 29 meters or less or of a net register tonnage of 61 tonnes (169.00 cubic metres) or less, shall in any event not unload at a port shall, as soon as possible, and in any event not more than twenty-four hours after arrival, give particulars to the harbour master of the cargo consigned and all other information as to the goods to be unloaded as the harbour master may request, and shall produce to the harbour master a copy of any manifest, bill of lading or charter party, and if called for, the register of the vessel.

44. The master of a vessel loading or discharging goods ar a quay in a port shall place the vessel and load or discharge the goods so as not to obstruct other vessels being loaded, discharged, moored or navigated.

45. The master or owner of a vessel engaged in loading or discharging goods shall cease loading or discharging if so directed by the harbour master.

46. The harbour master may require the master of a vessel in a port to load or discharge the cargo within a specified period whenever in his opinion an unreasonable delay occurs in loading or discharging the cargo of the vessel. If the master of the vessel refuses or fails to comply with such a request the harbour master may carry out the requirement at the owner's risk and do all things necessary for an incidental to that purpose and the expenses do incurred shall be paid by the master of the vessel.

47. The master of a vessel loading or discharging goods in a port shall ensure that at all times good and sufficient light is maintained over each hold of the vessel so as to enable the work of loading or discharging to be performed safely.

48. The hatches or other openings on the deck of a vessel lying at a quay in a port 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 port.

49. Where the hatches or other openings of a vessel which is not being loaded or unloaded in a port are left uncovered by permission of the harbour master they shall be fenced to a height of 91 cms (3ft) if the coamings are less than 76 cms (2½ ft). They shall be illuminated at night, and a warning notice clearly visible at all times shall be posted in a conspicuous place.

50. Goods placed on or in or removed from any quay or shed in a port shall be dealt with or handled subject to the direction of a port officer, and shall be placed or stowed in such stacks as he may direct and all persons dealing with or handling goods in the port shall be subject to the instructions of the harbour master or other port officer.

51. The master of a vessel having on board any quantity in excess of the vessel's standard equipment or normal requirements of goods of an explosive, inflammable, or otherwise dangerous nature shall not berth nearer than 30.3 meters from any other vessel and shall immediately on arrival at a port, give

notice thereof to the harbour master who may arrange for the removal of such goods.

52. The use of matched or mechanical lighters or naked lights of any kind or the smoking of tobacco or any other herb within 30.5 metres of inflammable goods or in or within 30.5 metres of vessels loading or discharging inflammable goods in a port is prohibited.

53. The fire fighting equipment on vessels loading or discharging inflammable goods in a port shall be kept in a state of readiness during such operations.

54. Goods or containers including fish boxes and fish barrels shall not be permitted to remain in any auction hall or on any quay or wharf in a port for more than six hours in any period of twenty four hours without the permission of the harbour master. Goods or containers, including fish boxes and fish barrels which, without such permission, remain in any auction hall or on any quay or wharf in a port for a longer period than that aforesaid may be removed by the harbour master and stored elsewhere. The owners of such goods or containers shall be liable for the cost of this removal and storage,

55. The master or any port officer shall not be liable for loss of or damage to any goods or containers whilst in port.

56. Goods intended for shipment (though in port) shall not be placed on the quays in the port without prior permission of the harbour master.

57. Goods intended for shipment (though in port) shall be placed at such places on the quays in the port as the harbour master directs.

58. Goods, or containers, shall not be stored in a port elsewhere than on the premises of lessees or tenants of property within the port, or in areas specifically designated for storage purposes, or as otherwise provided for in these Bye-Laws.

Traffic Movement in a Port

59. The harbour master may direct the movement of road traffic in a port.

60. A vehicle engaged in transporting goods or services or containers to or from a vessel may remain alongside the edge of a quay in a port only for as long as is necessary to load or unload the vehicle, which operation shall be carried out as expeditiously as possible.

61. Goods or containers shall be transported within a port only in suitable vehicles. Vehicles shall be so handled at all times as to avoid damage to quay or road surfaces in a port or to any port installations or plant.

62. Vehicles and containers shall not be used within a port unless they are suitable for the purpose and shall be maintained at all times in a good state of repair and in a clean and hygienic condition by their owners.

63. The harbour master, whose decision shall be final, shall have power to determine, when necessary, if any particular vehicle or container is unsuitable for the purpose of these Bye-Laws.

64. The Minister may cause to be designated in any suitable manner places at which, and periods of time during which, vehicles however propelled, or boats, may park in a port. Vehicles or boats which are at or in a place in a port other than a place designated or for periods of time in excess of those laid down under this Bye-Law may be removed by the harbour master to another place within the port. The owners of such vehicles or boats shall be liable for the cost of their removal and storage.

65. Vehicles other than those used for transporting goods or containers to or from a vessel shall not wait on any quay in a port within 6 metres of the water's edge.

General

66. Containers shall not be cleaned or repaired in a port except on the premises of the owners of such containers or at places specifically designated for those purposes by the harbour master.

67. The owners thereof shall ensure that fishing nets, warps, and fishing gear of any kind do not remain in any quay of wharf in a port for more than six hours on any period of twenty-four hours. Fishing nets, warps or gear which remain on any quay or wharf in a port 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.

68. The Minister or harbour master or any port officer shall not be liable for any loss or damage to goods or containers or to vehicles or boats or to fishing nets, warps or gear removed and stored in accordance with Bye-Laws 54, 64 and 67 of these Bye-Laws.

69. Fishing nets or gear shall not be repaired or mounted on any quay or wharf in a port except in an area specifically allocated for the purpose.

70. No person shall in any way interfere with goods or containers or vehicles or with any lights or machinery or equipment or plant in a port.

71. Save with the consent of the Minister no substance other than surface water shall be thrown or discharged or suffered to fall into or enter the sea within a port. For the purpose of this Bye-Law "substance" includes polluting matter, sewage effluent, and trade effluent within the meaning in each case of the Local Government (Water Pollution) Act, 1977 and also includes bilge water.

72. No person shall bathe at a quay or from any vessel lying art a quay in a port.

73. A person shall not play games or carry on any other activity not appropriate to a port. The decision of the harbour master of a port as to what is not an appropriate game or activity shall be final.

74. No person shall enter or remain in a port unless he has lawful business therein, or has received permission from the harbour master to do so, and every person entering or who shall have entered a port, shall, whenever requested so to do by the harbour master or any duly authorised port officer inform him of the business or matter (if any) in respect of which such person claims to be entitled to be in the port.

75. Any person acting or remaining contrary to Bye-Law 74 of these Bye-Laws shall desist from so doing and shall depart from such place upon his being requested to do so by the harbour master or by any port officer and if such person unlawfully refuses to comply with such request, then without relieving him of any penalty incurred under this or any bye-Law of these Bye-Laws, he may be removed from such place by the harbour master or any member of the Garda Siochána called in aid by the harbour master.

76. No person may loiter within a port.

77. No person shall commit a nuisance in a port.

78. No person shall obstruct a port officer in the execution of his duties.

79. Idle or disorderly persons may be removed from a port by or at the request of the harbour master.

80. Small boats, including pleasure boats, shall not moor under jetties or wharfs and shall keep clear of the approaches to the piers in a port, and owners of such boats shall not anchor or put down moorings except with the permission of and at placed designated by the harbour master.

81. A person within a port who is suspected of having broken any of these Bye-Laws shall, upon being requested by a port officer to do so, give to the officer his name and address.

82. Trading of any kind may not be carried on within a port save with the permission of, and in or at a place designated therefor by the harbour master, and during such times as the harbour master may appoint.

83. No person shall wilfully damage or deface any of the property of a port.

84. Whenever a master of a vessel, or the owner having charge or control of a craft at or within a port is not at hand 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 or raft, and if any person is on board, calling his attention thereto.

85. The harbour master may detain a vessel in a port until he is satisfied that all monies due in respect of the vessel and the cargo have been paid or sufficient security has been given for the purpose.

86. The following are hereby revoked;

(a) the Bye-Laws, regulations and penalties for Castletown Berehaven, in the county of Cork made by the Commissioners of Public Works in Ireland and approved of and confirmed by the Lord Justices of Ireland in Council on 10th day of July, 1891 and
(b) the Bye-Laws made by the Killybegs Harbour Commissioners pursuant to the provisions of the Harbours Act …. …ating to the regulation an management of Killybegs … Harbour and approved of by the Minister for Transport…. Power on 31st day of January, 1964.

GIVEN under my official Seal
this day of ,19…

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Minister for Fisheries and Forestry