



DUBLIN PORT COMPANY

BYE-LAWS

(Pilotage Excepted)

25th July 2002
Revised 3rd June 2004
Further revision 20th September 2004
Further revision 31st January 2008

DUBLIN PORT COMPANY
(the “Company”)

BYE-LAWS
(Pilotage Excepted)

1. Authorisation and commencement

Made by the Company pursuant to the provisions of Section 42 (1) of the Harbours Act, 1996 (the “Act”) relating to the regulation of the Harbour and property under the control of the Company. These Bye-Laws have come into effect on 25th day of July, 2002 and have superceded and replaced the Bye-Laws of the Port and Harbour of Dublin of 1884 and 1898 which have been revoked.

SECTION A: INTERPRETATION

2. Definitions

Authorised Representative

Means all persons authorised by Dublin Port Company to carry out the functions specified by the Company.

Berth

Includes any dock, graving dock, pier, jetty, Quay, mooring and other place at which a Vessel might lie.

Collision Regulations

Means the International Regulations for Preventing Collisions at Sea 1972, with any subsequent additions, amendments or deletions.

Controlled Drug

Means a controlled drug as defined in section 2 of the Misuse of Drugs Act, 1977.

Fairway

Means a channel which is designated for shipping.

Goods

Means all articles and merchandise of any description and includes fish, livestock and animals.

Harbour

Means the Harbour as defined in Harbours Act, 1996 (Limits of Harbour of Dublin Port Company (Alteration) Order 1997) as amended by Harbours Act 1996 (Section 88(4) (Commencement) Order 2004 being the limits consisting of and including:-

- (i) the river Liffey and the quays and walls bounding the same,
- (ii) the walls called the North Wall, the South Wall and the East Wall, respectively,
- (iii) the piers, jetties, tidal basins and other works constructed by or belonging to the Dublin Port and Docks Board before the relevant vesting day,
- (iv) the harbour of Dublin and the strands, bays, creeks and harbours thereof and all waters inside that area,

commencing from and including the Rory O'Moore Bridge at Heuston Station in the City of Dublin, and extending to an imaginary straight line drawn from the Baily Lighthouse on the north in the County of Dublin and extending through the North Burford Bank Buoy and thence through the South Burford Bank Buoy and thence to Sorrento Point on the south including the harbours of Bullock and Sandycove, but excepting the limits of the harbour of Dun Laoghaire Harbour Company, and excepting also the Harbours of Coliemore and Sutton.

Harbour Craft

Means a Vessel which is used mainly within the Harbour and operated by the Company.

Harbour Master

Means the person appointed by the Company as Harbour Master from time to time and for the purposes of these Bye-laws shall include representatives of the Company to whom the Harbour Master may delegate any of his functions pursuant to Section 37(1)(b) of the Act.

Harbour Police

Means a member or members of Dublin Harbour Police.

Harbour Premises

Means the Harbour and property including docks, quays, slipways, jetties, stages and all other harbours, works, land and buildings (whether owned, licenced or leased) for the time being vested in or occupied by or administered by the Company.

Master

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

Obstruction

Means any object floating or otherwise, within the harbour which may obstruct the passage of vessels.

Owner

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

Quay

Means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring Vessels and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto.

Small Vessel

Means any vessel of less than 20 metres in length including a sailing vessel and for the purpose of this definition 'sailing vessel' means a vessel designed to carry sail, whether as a sole or as a primary or supplementary means of propulsion.

The Company

A limited liability company incorporated under the Companies Acts, 1963 to 1990 and registered in Ireland No. 262367.

Vehicle

Includes any vehicle mechanically propelled or propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes, and any amphibious vehicles while on land.

Vessel

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

All terms used in these Bye-Laws shall have the same meaning as set out in the Act. Where there is any conflict between these Bye-Laws and the Act, the provisions of these Bye-Laws shall prevail.

Any reference to a statute, order, convention or regulation shall be deemed to refer to such statute, order, convention or regulation as amended, varied or replaced from time to time.

SECTION B: REGULATION BY THE HARBOUR MASTER AND THE COMPANY

3. Introduction

The immediate charge of regulation of the shipping and traffic of the Harbour and the governing and accommodation of the shipping therein not otherwise specially provided for, shall devolve to and be regulated by the Harbour Master, within the limits of his jurisdiction. All Masters, officers, crews and persons in or employed upon any Vessel, including, without limitation, any ferry, lighter, tug, Harbour Craft or boat in the Harbour and all persons employed in connection with shipping or traffic of the Harbour Premises, are required to obey the lawful orders and direction of the Harbour Master and to obey the several Bye-laws following under a penalty as outlined in Section 6 of the Act.

4. Harbour Master May Give Directions

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

- 4.1 For designating areas, routes or channels in the ports and approach areas which Vessels are to use or refrain from using for movement or mooring.
- 4.2 For ensuring that Vessels move only at certain times or during certain times and during certain periods.
- 4.3 For regulating the flow of traffic to and from relevant Berths in accordance with allocated slot times. These slot times shall be determined annually or for other agreed periods with each operator.
- 4.4 In addition, the Harbour Master may give certain directions requiring the removal of a Vessel from a Berth or other part of the Harbour Premises if
 - (i) it is on fire;
 - (ii) it is in a condition where it is liable to become immobilised, water logged or to sink;
 - (iii) it is making an unlawful or improper use of the facility;
 - (iv) it is interfering with the use of the facility by other Vessels or is otherwise interfering with the proper use of the facility or the dispatch of business therein;
 - (v) the Berth being occupied is required for another Vessel;
 - (vi) the removal is necessary to enable development, maintenance or repair work to be carried out to the facility or to the adjacent part of the facility; or
 - (vii) in the opinion of the Harbour Master, it is necessary to do so.
- 4.5 The Harbour Master may issue a series of Notices to Mariners at the beginning of each year which are of a navigational nature. Further notices may be issued from time to time.
 - 4.5.1 The Harbour Master may issue safety notices from time to time regulating the use of the harbour for fishing.
- 4.6 The Harbour Master may give such instructions as he may see fit with regards to the purposes set out in Paragraphs 1 to 42 inclusive of Part 1 of the Sixth Schedule to the Act.
- 4.7 The waiver or forbearance or failure by the Harbour Master or the Company in insisting in any one or more instances upon the performance of any of the provisions of these Bye-Laws shall not be construed as a waiver or relinquishment by the Harbour Master of the Company of the Harbour Master's or Company's rights to future performance of such Bye-Laws and the obligations in respect of such performance shall continue in full force and effect.

5. Owner of Goods

- 5.1 The Owner of any Goods shall comply with such directions as the Harbour Master may give from time to time, for regulating the time, place and manner of discharging, loading, storing or otherwise bringing into or removing such goods from the Harbour Premises including Quays.
- 5.2 The Owner of any cargo shall comply with any local rules made concerning the length of time goods may remain on the Quays, including sheds, subject to space availability. The Harbour Master may remove such goods at the Owner's expense after the stipulated time without warning or within the stipulated time with warning, and/or Quay charges may be raised.
- 5.3 The Harbour Master may refuse entry onto the Harbour Premises of cargoes or Goods, which he deems to be undesirable.

6. Regulate Bridges and Dock Gates

- 6.1 The Harbour Master shall regulate such hours during which the various bridges or Dock Gates to any Berth or Dock within the Harbour shall be opened or closed.

7. Conduct of Persons

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

No person shall, while within the Harbour:

- (a) behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to ferry passengers or to any other persons lawfully using or being within the Harbour;
- (b) be in breach of paragraph (a) above, and any person who is in such breach or who otherwise continues to be in breach of any of these Bye-Laws, after having received notice of the breach from any employee of the Company, including any member of the Harbour Police, may forthwith be removed from the Harbour by a member of the Harbour Police or an authorised representative of the Company;
- (c) injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, notice board, road traffic signs, walls or any other property within the Harbour;

- (d) climb any building, wall, pier, fence, barrier or post;
- (e) consume alcohol in the public areas of the Harbour, including the ferry terminal or have in their possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and a person under the influence of intoxicating liquor shall not be allowed to enter or remain within the Harbour;
- (f) consume, inject, inhale or otherwise absorb Controlled Drugs or solvents, and a person under the influence of drugs shall not be allowed to enter or remain within the Harbour;
- (g) make improper use of an escalator or any other automatic conveyance for passengers or baggage in the ferry terminal;
- (h) leave baggage, goods or property unattended
- (i) fail to comply with all security measures and checks which are in operation within the Harbour area; or
- (j) enter into any restricted areas within the Harbour Premises.

8. Heating, Burning and Welding

- 8.1 Application of heat or welding shall not take place on a Vessel without the express permission of the Harbour Master. Similarly the lighting of fires in or adjacent to a Vessel is forbidden.

9. Publish Charges

- 9.1 The Company shall apply charges for the use of cranes, weighbridges and plant operated or supplied by the Company. Use of such facilities shall be restricted to any limitations of use or size as registered on the appliance or such limitations as the Harbour Master may specify.

10. Obstruction or Interference at Harbour Premises

- 10.1 No person shall: -

- (a) except with the express permission of the Harbour Master, deposit or place on any part of the Harbour Premises any goods or park any Vehicle so as to obstruct any road, railway, building, access or mooring place. Designated clearing distances shall be determined by the Harbour Master. Nor shall they contravene any signs or markings prohibiting such depositing, placing or parking;

- (b) without lawful authority, use, work, move or interfere with any plant machinery or part thereof or apparatus on the Harbour Premises; or
 - (c) dump, deposit, release, spill, employ or cause or permit to fall into or within the Harbour Premises any waste, garbage, abandoned Vehicles, rubble, stone or any other undesirable material without the permission of the Harbour Master.
- 10.2 The Harbour Master may remove any such waste, garbage, abandoned Vehicles, rubble, stone or any other desirable material without warning using any means he shall think fit and in his absolute discretion. Any person who contravenes clause 10.1(c) shall promptly reimburse the Company for any expense incurred by such removal and this payment shall be in addition to any penalties levied pursuant to section 6 of the Act.
- 10.3 (a) The Harbour Master may authorise removal of an obstruction which may be carried out without warning and for which the Owner will be charged such fees as shall be specified by the Company.
- (b) Tenants of properties owned by the Company shall ensure that any objects pertaining to their business shall be cleared immediately from the surrounding area of their premises.
 - (c) Any person carrying on any work on the Company's premises shall ensure that the property is cleaned to the Harbour Master's satisfaction. This obligation shall extend to any employees, sub-contractors or employed or contracted by any such person.

SECTION C: NAVIGATION AND SECURING OF VESSEL

11. Vessels to Navigate with Care

- 11.1 The Master shall navigate his Vessel with such care and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, maneuvering, loading or discharging or other Vessels, or with moorings, river banks or other property, and always subject to the orders of the Harbour Master in force from time to time.

12. Operational Status

12.1 The Master of a Vessel shall carry out any requirements of the Harbour Master regarding the operational status of the Vessel, and shall not immobilise his Vessel without the Harbour Master's permission.

13. Collision Regulations

13.1 The Master of a Vessel proceeding along the course of a channel or Fairway shall keep as near to the outer limit of the channel or Fairway, which lies on her starboard side, as far as, is safe and practicable. The regulations contained in the Collision Regulations shall apply in all waters contained within the Harbour Premises, unless otherwise specified by the Harbour Master.

14. Speed of Craft and Regulation of Passengers

14.1 The Harbour Master may regulate the rate or speed of ships within the Harbour Premises or any specified portion of the Harbour or in any special circumstances require ships to stop or slow their engine at a specific place. The Harbour Master may also regulate the taking on board, landing or putting down of passengers.

15. Towage

15.1 The Harbour Master shall regulate the manner in which any towage is carried out within the Harbour Premises. All towage by Company tugs is subject to the standard published conditions for towage and other related services as applicable.

16. Berthing

16.1 The Harbour Master shall determine and regulate the berthing and movement of all Vessels within the Harbour Premises.

17. Grounding

17.1 Any Vessel grounding in the channel shall carry out any requirements of the Collision Regulations and any special instructions given by the Harbour Master.

17.2 Anyone owning or in charge of a Vessel that is prepared to allow her to lie in a Berth where she shall take the ground, must be answerable for any damage that may occur to her by so doing.

18. Buoy fastened to anchor

18.1 The Master of a Vessel using his anchor within the limits of the Harbour Premises shall cause a buoy to be fastened to the anchor in such a manner that it can clearly be seen where the anchor has been cast.

19. Power to move Vessel

19.1 The Master of a Vessel within the Harbour Premises shall moor, unmoor, place or re-moor his Vessel according to the direction of the Harbour Master. If there is nobody or insufficient persons on board the ship to attend to such directions, the Harbour Master may carry out such action and costs for such work shall be for the Vessel's account.

20. Vessel not to block entrance

20.1 A Vessel, except with the permission of the Harbour Master, shall not lie or be moored at the entrance to the Harbour.

20.2 The Harbour Master may, without warning, remove any obstruction or direct the movement of any vessel within the limits of the harbour, where its safety or the safety of other vessels is at risk.

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

21. Sufficient mooring

21.1 The Master of a Vessel shall at all times keep his Vessel properly and sufficiently moored, having due consideration to the prevailing weather, tidal and current conditions, when berthed or lying at any dolphin, buoy, mooring post or Berth or Quay.

22. Means of access

22.1 Any Vessel within the Harbour shall have sufficient access or gangways as are required by current legislation. Gangway nets must be rigged to comply with obligations in force from time to time whether by statute, regulation or otherwise. Sufficient illumination must be supplied by the Vessel.

23. Times of discharge

23.1 The Master of a Vessel entering within the Harbour for the purpose of loading or discharging cargo shall cause the cargo to be worked as soon as is reasonably practicable, and for such hours as the Harbour Master

considers are reasonable, and upon completion shall remove the Vessel to such other part of the Harbour Premises as directed by the Harbour Master.

SECTION D: VEHICLE REGULATION

24. Care and attention

- 24.1 No person shall drive or otherwise operate a Vehicle, drive animals or traverse the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and shall comply with all speed and other restrictions. Such person shall also use designated roads and walkways where provided and also shall comply with all directions from Authorised Representatives of the Company.
- 24.2 The driver of a Vehicle within the Harbour Premises shall ensure that any load carried thereon or therein is properly secured and that it complies with the statutory restrictions, which apply to public roads, as to the weight of Goods to be carried, and the dimensions of the load (including Vehicle). He shall also ensure that the Vehicle is loaded in such a manner as to prevent any cargo loss or spillage, and if necessary, cover his load to prevent spillage caused by wind.
- 24.3 Any person driving or otherwise operating a Vehicle which is involved in an accident within the Harbour Premises whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the Vehicle and report the accident to the Company as soon as is reasonably practicable thereafter and shall give his name and address to the Company.
- 24.4 Any person driving or otherwise operating a Vehicle on any designated roadway or common user area shall ensure that it complies with all statutory requirements required for the use of a Vehicle in a public place or on a public road, (other than road tax), or any other requirement imposed by the Harbour Master. Without prejudice to the generality of the foregoing, all persons shall maintain adequate insurance for the operation of their Vehicles and at all times comply with the terms of such insurance.
- 24.5 Any person driving or otherwise operating a Vehicle shall comply with the directions of the Harbour Master, or Authorised Representative of the Company, in relation to parking and removal of a Vehicle.
- 24.6 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.

24.7 Where the Harbour Master or Authorised Representative of the Company finds within the Harbour Premises a Vehicle at rest in contravention of any regulation made by the Harbour Master or the Company, 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, and specifying the steps to be taken including such charges as are required to be discharged to secure its release.

No person shall remove or interfere with any notice or immobilisation device affixed to a Vehicle.

(b) A Vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of a representative of the Company, in the manner specified in the notice affixed to the Vehicle under clause 24.7 (a) above, and subject to receipt of the sum specified in the said notice.

24.8 The driver of any Vehicle within the Harbour Premises shall not fill or empty the fuel tank of any Vehicle other than in an area designated for such a purpose or allow any fuel, oil, or other offensive substances to escape from any Vehicle onto any roadway, quay or other place within the Harbour Premises.

24.9 The driver of any Vehicle must switch off the engine, apply the handbrake or parking brake or otherwise take measures to ensure that the Vehicle cannot move or be set in motion by accident or otherwise, before leaving the Vehicle unattended. The Vehicle must only be left unattended in designated parking areas.

24.10 The driver of a Vehicle shall not attempt to drive or be in charge of any Vehicle when under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the Vehicle.

- 24.11 Where a Vehicle contains Goods to be delivered to or removed from the Harbour Premises, the driver of the Vehicle must provide evidence authorising him to be in possession of such Goods to a member of the Harbour Police or Authorised Representative of the Company.
- 24.12 The registration book or licencing certificate and insurance certificate of the Vehicle and the driver's driving licence, shall be produced to a representative of the Company, for inspection either on demand or within ten days thereof.
- 24.13 No Vehicle shall be stopped or left without permission of a representative of the Company. If such permission is not granted, the Company or Authorised Representative may cause it to be removed to some convenient place and there detained at the cost and risk of the Owner.
- 24.14 Any person in breach of this Bye-Law may be forbidden from entering onto Harbour Premises, at the discretion of the Harbour Master.
- 24.15 The following Vehicles are exempt from the application of these Bye laws: -
- (a) any Vehicle which is being used on an official basis by a representative of the Company; or
 - (b) any Vehicle driven by a member of the Emergency Services for the purposes of attending to an emergency situation.

25. Bicycles

- 25.1 No person shall operate a bicycle within the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and only in designated places in accordance with any directions of the Harbour Master or a representative of the Company.
- 25.2 Where a bicycle is left unattended, except at a designated parking area, it may be removed and stored by an Authorised Representative of the Company and the owner of the bicycle shall be liable for the cost of this removal and storage in addition to any penalty which may be levied as a result of the breach of this Bye-law.

SECTION E: VESSEL REGULATION

26. Access to Vessel on Outboard Berth

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

27. Prohibition of Sale from Quays

27.1 No person, except with the permission of the Harbour Master, shall exhibit or place in or on any land or premises of the Company any Goods or Vehicles for sale other than such Goods as may be sold or exhibited for sale under the provisions of the Merchant Shipping Acts, 1894 to 2000, or by order of the Revenue Commissioners and other than perishable Goods sold within forty eight hours of their being landed.

28. Prohibition of Commercial Activity on Quays

28.1 No person, except with the permission of the Harbour Master, shall offer any services or participate in or operate any activities of a commercial nature or for pleasure in or on any land or premises of the Company.

29. Vessels for Hire

29.1 No person shall offer any Vessels for hire within the Harbour Premises, except with the permission of the Harbour Master and subject to the granting of a licence by the Company on payment of the appropriate fee, and compliance of the Vessel with all of the conditions of the licence. This licence is not transferable to a third party.

29.2 No Vessel shall carry passengers for recreational or commercial purposes unless it holds either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, pursuant to the Merchant Shipping Act, 1992, as amended and any additional licences or certificates as may be required whether by statute, regulation or otherwise.

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

29.4 Where a condition of the licence or one of these Bye-laws has been contravened in respect of any Vessel, the licence may be revoked by the Company.

30. Unauthorised casting loose of a Vessel

30.1 A person shall not remove, loosen, cut, break or destroy any rope or other fastening of any Vessel, unless directed to do so by the Master of such Vessel or by the Harbour Master.

31. Tampering with gates or bridges

31.1 No person shall, without authority of the Harbour Master, open, close or tamper with any swing or lifting bridge, dock gate, sluices or other machinery within the Harbour Premises.

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

32. Repair to Vessel

32.1 No person or company shall build, repair or immobilise his Vessel within the Harbour Premises without the consent of the Harbour Master.

32.2 No person shall carry out any overside maintenance, e.g. chipping, scraping, or painting without permission from the Harbour Master.

33. Repair to Company Property

33.1 No person shall carry out repairs to Company Property without the permission of the Company.

34. Responsibility for damage

34.1 Any person or company who shall wilfully or otherwise damage any property of the Company shall be deemed to have contravened these Bye-laws or be guilty of an offence under Section 42(2) of the Act and shall pay to the Company the cost of replacing or making good such damage.

34.2 The Master or Owner of any Vessel who negligently or willfully allows the Vessel to damage any part of the Harbour Premises shall pay to the Company the cost of replacing or making good such damage and in addition shall be deemed to have contravened these Bye-laws.

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

35. Supplementary Bye-Laws/Notices

35.1 The following Bye-Laws and Notices shall be deemed to be incorporated in and form part of these Bye-Laws;

- (a) Bye-Laws made by the Dublin Port and Docks Board relative to Carbide of Calcium 1897;
 - (b) Bye-laws made by Dublin Port and Docks Board relative to the Discharging, Loading, Handling, Storage and Distribution of Petroleum at the Port of Dublin 1956;
 - (c) Bye-Laws made by Dublin Port and Docks Board relative to the Graving Dock and Graving Slip Bye-Laws 1959;
 - (d) The Port of Dublin Dangerous Goods (Cargoes) Bye-laws 1986;
 - (e) Dublin Port and Docks Board Byelaws for the Regulation of Goods on Quays, 1996;
 - (f) Notices to Mariners.
- 35.2 The Harbour Master may make such specific Bye-Laws and notices as he shall deem fit from time to time for the management of the Harbour Premises. All such supplementary Bye-Laws and Notices shall be deemed to form part of these Bye-Laws
- 35.3 Copies of all Bye-Laws and notices issued pursuant to this Bye-Law 35 shall be made available by the Harbour Master.
- 35.4 Failure to comply with any notices or directions of the Harbour Master shall be deemed to be a contravention of these Bye-laws.

36. Ballasting

- 36.1 The simultaneous action of ballasting and discharging of tankers is forbidden unless segregated tanks are used.
- 36.2 No ballast shall be allowed to enter the waters of the Harbour without the permission of the Harbour Master

37. Free passing of railways

- 37.1 Every person in charge of any Vehicle on the Harbour Premises shall upon demand or upon a signal being made by any person in charge of any train, locomotive, shunting tractor or railway wagon, allow the free and uninterrupted passage of such rail-stock. The Harbour Master will determine the size, composition and times when such trains may operate.

38. Precautions against Goods etc. falling into Harbour Waters on the Company's Premises.

38.1 The Master of a Vessel, a person or a company undertaking the loading of cargo into, or the discharging of cargo from, a Vessel shall use or cause to be used such methods as the Harbour Master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the Harbour or onto the Harbour Premises.

38.2 On completion of loading or discharging, stevedores or Master of ships shall ensure The Quay is cleaned immediately.

39. Smoking in any Unauthorised Part of Vessel or Harbour Premises or use of Controlled Substances

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

40. Watchman on board at all times

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

41. Vessels not to berth in certain places

41.1 A Vessel, except with the permission of the Harbour Master, shall not berth or lie at or abreast of any ferry or other ship or steps within the Harbour Premises. No Vessel shall berth or lie so as to overlie a limit post of any Berth. No Vessel shall moor or obstruct such slips or steps.

42. Vessel not to anchor in Fairways

42.1 Except in emergency, no Vessel shall be anchored, moored or placed in a Fairway. Should any Vessel be so anchored, moored or placed, it shall be removed from the Fairway as soon as circumstances permit.

43. Vessels to lie broadside to the Quay

43.1 Every Vessel lying at a Quay within the port shall be so berthed as to lie broadside to the Quay, except when the Harbour Master otherwise directs.

44. Sufficient crew on board

44.1 The Master of any Vessel shall ensure that there are sufficient persons on board to attend to the mooring lines/cable and the means of access to Vessel, at all times.

45. Small Vessels in Fairway and moorings

45.1 Small Vessels, mechanically propelled or otherwise and including pleasure boats are strictly required to keep out of the Fairways. Owners of such craft shall not put down permanent moorings except with the permission of and at places designated by the Harbour Master. The requirements on the relevant Notices to Mariners must be complied with at all times. Tacking across the channel is forbidden.

46. Vessels to provide fenders

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

47. Master to report strandings, etc.

47.1 The Master or Owner of any Vessel which has sunk, stranded, or been abandoned in the Harbour shall immediately give notice to the Harbour Master as to the position of Vessel, lighting, buoying of and removal of such Vessel.

47.2 The Owner of any Vessel which has been sunk, stranded, or been abandoned in the Harbour shall be liable to the Company for the cost of its removal and disposal.

48. Precautions against Pollution

48.1 The Master of any Vessel shall take all possible precautions to prevent spillage and pollution either caused by or emanating from his Vessel. Any Master failing to prevent discharge or leakage or permitting the same, shall be deemed to have contravened this Bye-Law. The Master of the Vessel shall be liable for all costs incurred in the cleaning-up and compensation, and shall also be liable to a fine, and/or prosecution without prejudice to the generality of the foregoing. Pumping of bilges is specifically prohibited within the Harbour Premises and shipside valves should be sealed to prevent discharge. Any form of pollution shall immediately be reported to the Harbour Master.

48.2 No vessel may take bunker oil or discharge waste oil before advising the Harbour Master.

48.3 Masters of vessels shall comply with all requirements and annexes of Marpol 73/78.

49. Cessation of loading or discharging

49.1 The Master of any Vessel engaged in loading, discharging or transferring of goods shall cease or temporary suspend such work as and when required to do so by the Harbour Master.

50. Not to use engines at quays or immobilise engines

50.1 Once a Vessel is berthed alongside a Quay she shall not work her engine or bow thruster without the permission of the Harbour Master. Neither will she immobilize her engines without the permission of the Harbour Master.

51. Vessels not to moor to lampposts, pillars etc.

51.1 The Master of a Vessel making fast to any of the cranes, electric light posts, shed pillars or any other structure on the Quays or in any other part of the Harbour Premises not designated for such use shall make good any damage occasioned thereby and shall in addition be liable to a penalty as hereinafter provided for.

52. Fumigation of Vessels

52.1 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, no Vessel shall be fumigated within the Harbour for the destruction of vermin or for any other purpose without the permission, in writing, of the Harbour Master, Such operation when performed with such permission shall be at the risk of the Master of such Vessel, rat-guards should be rigged on all moorings.

53. Livestock to be penned

53.1 All loose livestock intended for import or export shall be placed in pens provided for that purpose, by the shipper, until ready for transport and shall not be allowed to remain in any shed or on the Quays.

54. Bringing Ashore

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

55. Masters to report arrival

55.1 The Master, Owner or agent of any Vessel shall, prior to arrival or if not possible, immediately upon arriving in the Harbour Premises, report such arrival to the Harbour Master giving particulars of manifest, tonnage, cargo consignees and all other particulars deemed necessary by the Harbour Master.

55.2 The Master, Owner or agent of any Vessel shall, prior to departure, report such departure to the Harbour Master giving particulars of manifest, tonnage, cargo consignees and all other particulars deemed necessary by the Harbour Master.

56. Hatches etc. to be kept closed unless otherwise permitted

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

57. Holds to be sufficiently lighted

57.1 The Master or Owner of a Vessel, which is loading or discharging outside daylight hours, shall, so as to enable such work to be safely performed, maintain adequate lighting in each hold of his Vessel.

58. Vessels loading or discharging not to obstruct others

58.1 The Master of a Vessel loading or discharging Goods at the Quays shall place such Vessel, and load or discharge such Goods, so as not to obstruct other Vessels from being discharged, loaded, navigated or moored in the Harbour Premises.

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

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

59.1 No person shall extinguish or attempt to extinguish or interfere in any way with the lamps on the Quays or with any of the Harbour navigation lights, or buoys within the Harbour Premises.

60. Laid-up Vessels

60.1 The Master or Owner of a Vessel intending to be laid-up in the Harbour Premises shall report same to the Harbour Master and such Vessel may thereupon be laid-up in a position as designated by the Harbour Master, for as long as he may see fit, at the sole risk of the Owner whilst in the Harbour Premises, if, in the opinion of the Harbour Master, the laying up in the Harbour Premises will not interfere with working of the Harbour. He shall also ensure that these are the minimum crew that the Harbour Master may require.

61. Rates for laid-up Vessels

61.1 The Owner of a Vessel during the time such Vessel is laid-up shall pay the Company such accommodation rates as are determined by the Company from time to time.

62. Use of Firearms on Harbour Premises

62.1 No person other than the members of the Garda Siochana and the Defence Forces in discharge of their duties shall be permitted to carry, use or discharge firearms or imitation firearms on any part of the Company's property, save with the prior consent of the Harbour Master. The Harbour Master shall ensure that all Vessels are obliged to keep their arsenals under lock and key whilst within the Harbour Premises.

63. Wilful Obstructions

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

SECTION F: ENFORCEMENT AND PENALTIES

64. Harbour Police or Authorised Representative of the Company

- 64.1 Subject to the provisions of the Act, the Harbour Police or an Authorised Representative of the Company shall have responsibility for the enforcement of these Bye-laws and all future regulations made by the Company in relation to the Harbour Premises.
- 64.2 Where a member of the Harbour Police or an Authorised Representative of the Company suspects that any of these Bye-laws may have been contravened by any person, such person may be required to supply his correct name and address to the Harbour Police or an Authorised Representative of the Company.
- 64.3 Where a member of the Harbour Police or an Authorised Representative of the Company reasonably believes that there has been a contravention of these Bye-laws by the driver of a Vehicle, or Master of a Vessel, the Harbour Police or an Authorised Representative of the Company may demand the name and address of the driver and the Owner of the Vehicle, or the Master and Owner of a Vessel. In addition, the Harbour Police or an Authorised Representative of the Company may search the Vehicle or Vessel in question.
- 64.4 All persons, Vessels, Vehicles, Goods and baggage and moveable property of any description while entering or on the Harbour Premises, may be subject to search by the Harbour Police or an Authorised Representative of the Company in accordance with procedures laid down by the Company, in connection with the implementation of the requirements of the International Ship and Port Facility Security Code or any other security requirements which may be stipulated from time to time in accordance with Bye-Law 35.2

65. Removal of Undesirable Persons

- 65.1 Disorderly or undesirable persons, or persons loitering, may be removed from the Harbour Premises by the Harbour Police, or an Authorised Representative of the Company at the request of the Harbour Master. No person shall be permitted to commit an act of nuisance in the opinion of the Harbour Master.
- 65.2 Detection of any stowaways or illegal immigrants or asylum seekers should be reported immediately to the Gardai.

66. Penalties

- 66.1 Any person who contravenes or otherwise fails to comply with any of these Bye-laws or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-laws shall be guilty of an offence pursuant to Section 42(2) of the Act and 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
- 66.2 Where the commission by any person of any contravention of these Bye-laws is due to the act or default of some other person, that other person shall be deemed to be in contravention of these Bye-laws and that other person may be charged with, and convicted of, the offence by virtue of the Act whether or not proceedings for the offence are taken against any other person.
- 66.3 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.
- 66.4 If in any case the defence provided by paragraph (3)(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.

67. Investigations

- 67.1 The Harbour Master or an 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 his 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 Harbour Premises or involving in his opinion any damage to property or injury to persons adjacent to the Harbour Premises.