

DUBLIN PORT COMPANY

BYE-LAWS

FOR THE

REGULATION OF GOODS ON QUAYS

7th December 2006

DUBLIN PORT & DOCKS BOARD COMPANY

Bye-Laws made by Dublin Port Company pursuant to the provisions of the Harbours Acts, 1996 and 2000, for the Regulation of Goods on Quays.

1. In these Bye-Laws:-

“The Company” means Dublin Port Company;

“Quays” means and includes the quays, wharves, passage-ways, roadways, transit sheds and sheds of the Company or any part thereof, except such as may be appropriated, licensed or leased by the Company for the exclusive use of any particular person or firm;

“Back Area” means any portion of the quays, not alongside a shipping berth, which is for the time being defined by the Company as a back area for the temporary storage of goods;

“Harbour Master” includes Assistant Harbour Master and any other persons appointed by the Company to discharge the duty of regulating or administering the use of quays;

“Owner” includes, in relation to goods, any consignor, consignee, shipper, stevedore or agent for the sale or custody of such goods, and in the case of any vehicle, any driver or person in charge of such vehicle;

“Goods” includes livestock, minerals, wares, chattels, vehicles, trailers, containers, flats and merchandise of all descriptions;

“Authorised Goods” means goods which have been deposited or placed or allowed to lie or remain on a quay in accordance with the provisions of paragraph 3 hereof;

“Unauthorised Goods” means goods which have been deposited or placed or allowed to lie or remain on a quay otherwise than in accordance with paragraph 3 hereof;

“Public Holiday” means a day which is for the time being a public holiday under the Organisation of Working Time Act 1997.

“Previous Bye-Laws” means the Bye-Laws for the Regulation of Goods on Quays and in Sheds made by Dublin Port and Docks Board on 14th day of December 1995 and confirmed by the Minister for the Marine on 1st day of January 1996.

The singular includes the plural and vice-versa.

2. As from the date of coming into operation of these Bye-Laws the previous Bye-Laws shall cease to have effect, but (subject to the Company's power to refund or remit under Bye-Law 12) the substitution of these Bye-Laws for the previous Bye-Laws shall not affect the liability of any person to the Company under the previous Bye-Laws or any proceedings for the recovery of any sum due thereunder.
3. Goods shall be deposited or placed and allowed to lie on any quay, only with the permission of the Harbour Master, and in such places and in such a manner as the Harbour Master may prescribe. They shall be moved or removed to such places and shall be deposited, placed or stowed in such stacks, piles or tiers as the Harbour Master may direct.

Permission or directions may be given by the Harbour Master for this purpose either generally in respect of a whole cargo or series of cargoes or class of goods, or specially in respect of any particular consignment or item of goods.

The Harbour Master may by notice on a poster or by a readily recognisable sign indicate those places where the depositing or parking of goods is prohibited generally, and any offender shall be liable, on conviction, to a fine not exceeding €1,500 or imprisonment for a term not exceeding twelve months or both.

4. An owner of unauthorised goods shall remove them forthwith from the quays when he is so directed by the Harbour Master either orally or by notice delivered to the owner or affixed to the goods, and his failure to do so shall constitute an offence under these Bye-laws, and render him liable, on conviction, to a fine not exceeding €1,500 or imprisonment for a term not exceeding twelve months or both.

Should the owner of unauthorised goods fail to remove them when so directed, the Harbour Master may cause such goods to be removed to some convenient place subject as follows:

- (a) Where unauthorised goods have been landed from a vessel in the port and have not been removed after being landed upon the quays for a longer period than 48 hours, the goods will be removed by the Company to any of the premises of the Company or other convenient place and kept there until payment is made to the Company of the expenses of removal and the storage of such goods.
- (b) Where unauthorised goods are for shipment and have not been put on board some vessel within twelve hours after having been laid on the quays the Company may cause such goods to be removed at the expense of the owner.
- (c) Where, in the opinion of the Harbour Master unauthorised goods constitute an obstruction, they may be removed immediately and kept by the Company until payment is made to the Company of

the expenses of removal and the storage of such goods.

Nothing in this Bye-Law shall be deemed to affect in any way the liability of an owner of goods for any other charges, penalties or forfeitures for which he may be liable by statute, or otherwise in respect of such goods on the quays.

Nothing in this Bye-Law shall authorise the removal of goods which have not been entered and cleared by the Customs without the consent of and to a place approved by the Collector or other proper officer of Customs and Excise.

5. Provided that the reasonable use and enjoyment of any quay is not interfered with or obstructed, authorised goods placed thereon may remain for the following respective periods, hereinafter referred to as “the Permitted Period”:-

(i) Goods Imported 5 days

(ii) Goods for Export 3 days

In the case of goods imported, the permitted period shall be deemed to run from the completion of discharge of the vessel. Where a vessel discharges at more than one berth and the Harbour Master considers, in the circumstances, that it would be appropriate, the expression “completion of discharge” shall, as regards each berth, mean the completion of discharge at such berth.

When a shipper desires to lay down goods on the quays for export he must give the Harbour Master sufficient information, in advance, regarding the nature and volume of the goods to be laid down, to enable the Harbour Master to define the maximum area which such goods may occupy, and the permitted period will run, in respect of this maximum area, from the day on which the shipper is permitted by the Harbour Master to commence to lay down the goods.

The Permitted Period shall not be affected by the removal of goods (whether by the Company or otherwise) from one place on the quays to another place on the quays.

6. It shall be the duty of a shipowner or other person who has custody or control of any authorised goods lying on the quays beyond the Permitted Period to remove the same forthwith (having regard to the requirements of the Collector or other proper Officer of Customs & Excise) to some place other than a Quay, or to a place in a Back Area where the Company may, for the time being, permit such goods to remain after the expiration of the Permitted Period. If, on the failure of such shipowner or other person to remove the goods the Company shall decide to do so under the powers conferred by Section 42 of the Harbours Act, 1996 or otherwise, such shipowner or other person shall, on receipt of notice to that effect from the Company forthwith identify and make the said goods readily available for removal by the Company as aforesaid and provide such assistance and do all such things as may be required to enable them to be removed expeditiously by the Company.

7. Where any authorised goods remain on the quays for longer than the Permitted Period applicable in respect of such authorised goods, the owner thereof shall pay to the Company in respect of such excess period a charge in accordance with such scale of charges as from time to time the Company may fix. For the purposes of ascertaining the excess period under this Bye-Law:-
 - (a) The day shall be deemed to commence at 12 midnight.
 - (b) Sundays and Public Holidays shall be included in the period liable for charge.
 - (c) Part of a day shall be reckoned as a day.
8. Any person, who is the owner of any goods, or as consignor, consignee, shipper, stevedore or agent for sale or custody of any goods, is included in the definition of the owner thereof, shall continue to be liable for any charges, obligations or duties payable or performable by the owner of such goods under these Bye-Laws up to and including the date when evidence is furnished to the Company to its satisfaction that some other person accepts liability as owner for any charges payable or obligations or duties performable in respect of such goods after that date, and mere abandonment of ownership shall not relieve a person from such liability.
9. The Master, owners or agents of every ship about to unload shall furnish to the Harbour Master a copy of the Manifest and/or the Bill of Lading, in a format specified by the Harbour Master which may be electronic or hard copy or both and such further particulars as he may require as to the cargo or goods to be unloaded, and the Harbour Master may require full particulars of all goods brought to the Quays for shipment before allowing them to be deposited thereon.
10. All sums payable under or by virtue of these Bye-Laws in respect of goods shall be payable at the Office of the Company Secretary at Port Centre, Alexandra Road, Dublin 1, and the Company may detain such goods and any other goods belonging to or imported by the same owner until all such payments have been made. Where an agent has been appointed to act on behalf of the Company in administering a quay charge system in any designated area of the Port, quay charges shall be payable at the office of the agent so appointed. Where goods have been detained on default of payment, the Company reserves the right to sell such goods in order to recover outstanding quay charges together with the costs associated with such sale. Any proceeds in excess of these costs will be refunded to the Owner.
11. The powers and rights conferred on the Company by these Bye-Laws shall be in addition to and not in substitution for any other powers or rights conferred on the Company by Statute, Bye-Law or otherwise.
12. Whenever the Company is satisfied in its discretion that the circumstances or any particular case so warrant, the Company may make an order for the remission or refunding in whole or in part of any of the charges made payable under these Bye-Laws or under the previous Bye-Laws. The Company may also by order from time to time

exempt any particular quays or a portion or portions thereof from the area of application of these Bye-Laws.

NOTICE - Goods on or passing along the Quays remain at the sole risk of the Owner. The Company does not have an insurable interest in such goods and cannot take any responsibility therefor or for any loss of such goods or damage thereto from whatever cause arising. Special care is necessary on the part of persons in charge thereof in case of goods liable to taint or stain or damage from other goods.

Present when the Common Seal of the
DUBLIN PORT COMPANY
was hereunto affixed.

..... DIRECTOR

..... SECRETARY

Dated this 7th day of December 2006