

*Comhairle Contae Fhine Gall*  
Fingal County Council

**BYE LAWS 2006 REGULATING  
RECREATIONAL CRAFT  
(INCL. FAST POWER BOATS)  
AND  
PERSONAL WATERCRAFT (JET-SKIS)**

**BYE-LAWS GOVERNING BEACHES/FORESHORE,  
ESTUARIES AND HARBOURS IN THE COUNTY OF  
FINGAL**

These Bye-Laws were adopted by Fingal County Council at the Council meeting on 10<sup>th</sup> July 2006 and came into force on the 25<sup>th</sup> July 2006.

## BYE LAWS

### MADE BY

Fingal County Council, in exercise of the power conferred on the Council by Section 6 of the Maritime Safety Act 2005, and in the interest of the common good of the local community, make the following Bye-Laws for the purpose of regulating or controlling the operation of craft or craft of a specified class in waters in the functional area of the County of Fingal.

#### 1. TITLE

These Bye-Laws may be cited as the Fingal County Council Bye Laws 2006 Regulating Recreational Craft (incl. Fast Power Boats) & Personal Watercraft (Jet-Skis). These Bye-Laws supersede Fingal County Council (Jet Skis and Fast Power Boats) Bye-Laws 1999.

#### 2. INTERPRETATION

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:

- a) "The Local Authority" means the Council of the County of Fingal.
- b) "The Act" means the Maritime Safety Act, 2005.
- c) "Council" means the Council of County of Fingal.
- d) "The Foreshore" is defined for the purpose of these Bye-Laws as the bed and shore below the line of high water of ordinary or medium tides of the sea and every tidal river and tidal estuary and every channel, creek and bed of the sea or any such river or estuary and shall include any and all properties of the Council as defined in (f) below.
- e) "Estuaries" means Rogerstown Estuary, the Broadmeadow Estuary (also known as Malahide Estuary), Portmarnock Point/Baldoyle Estuary, and the coastal land contiguous thereto as more particularly shown striped in red on maps attached hereto. For the purposes of these Bye-Laws Estuaries shall include any and all properties of the Council as defined in (f) below.

- f) “Beach” refers to the area of the seashore and the foreshore. The words “seashore” and “foreshore” have the same meanings as defined in the Foreshore Act, 1933. For the purpose of the bye-laws a beach shall include:-
- (i) any strand, and/or dunes;
  - (ii) any sea for a distance from the strand to 200 metres (seaward) from the low water mark;
  - (iii) any walls, railings, barriers, fence, roadway, seats, footpath, ramps alleyways, access, walkways, step, sewer, drain or gully thereon;
  - (iv) any post, sign, notice, sign board, life saving apparatus or equipment, toilet, litter receptacle, lamp, lamp post, appliance, flag pole, flag, water pipe, gas pipe, hut, shelter, ornament, building or other structure forming part thereof or erected by the Council or by the authority of the Council either on the beach or for the benefit of users on the beach;
  - (v) Any tree, shrub, bush hedge, flower, flower bed, turf, grass or other plant growing thereon or place thereon by the authority of the Council;
  - (vi) Any implement, barrow, article, tractor, trailer or thing thereon belonging to the Council or placed thereon by the authority of the Council.
- g) “Harbour” refers to any harbour in the functional area of the Local Authority under its control or management.
- h) “Employee of the Council” shall include every Superintendent, Supervising Official, Litter Warden, Dog Warden, Lifeguard or other person employed by and duly authorised by the Council to administer and enforce these bye-laws.
- i) “Authorised Person” means any employee of the Council, members of the Garda Síochána or any person designated by the Council for the purposes of these bye-laws.
- j) “Craft” means personal water craft or recreational craft when operated by a mechanical means of propulsion.
- k) “Jet-Ski” means a power operated pleasure craft propelled by water jet capable of travelling at high speeds.
- l) “Fast Power Boat” means a power operated craft other than a jet-ski capable of travelling at 17 knots per hour (KPH) or more, whether engaged in towing other appliances or not.

- m) "Consent of the Council" means the permission in writing of an authorised person.
- n) "Permit" has the same meaning as "Consent of the Council" at (m) above.
- o) "Designated Area" means an area specified/designated pursuant to Bye-Law No.3.
- p) "Permit Holder" means a person, club, company or other body to whom or to which a permit has been issued pursuant to Bye-Law No. 4.
- q) "Electrical Suppression" means the reduction and/or elimination of the emission of electromagnetic waves so as not to cause interference to radio and/or television reception.
- r) "Special Areas of Conservation" (SAC's) are prime wildlife conservation sites designated under the EU Habitat's Directive (1992/43/EEC) for the conservation and protection of habitats and species of importance in a European context.
- s) "Special Protected Areas" (SPA's) are designated under the EU Birds Directive (79/409/EEC) to protect migratory species such as ducks, geese and waders and species which are rare, endanger of extinction or which are vulnerable to habitat change in Europe.
- t) In these bye-laws, any reference to a "jet-ski" shall be deemed to include a reference to a personal water craft (PWC).

### 3. JET SKI AND FAST POWER BOATS

- a) The Council hereby specifies the following areas where jet-skis and fast powerboats are prohibited at all times as set out in Schedule 1 attached hereto.
- b) The use of jet-skis and fast powerboats is restricted as to the extent of time and number specified in the areas set out in Schedule 1 attached hereto.
- c) Subject to Bye-Law no.3 b) and 5 below, no person unless otherwise exempt shall bring a jet-ski or fast powerboat into, or have a jet ski or fast powerboat under his or her control on any part of the beach/foreshore/harbours or estuaries except with the written consent (permit) of the Council.
- d) The use of jet ski or power boats within 200 metres of the waters edge of the beach/foreshore/harbour or estuaries is prohibited except while obtaining access to or egress from the sea at a designated area as referred to at 3(b) above.
- e) The use of jet-skis and fast power boats will be allowed in designated areas during the following times (See Schedule 1):
  - (i) between the hours of 10.00am and 8.00pm from 1<sup>st</sup> June to 31<sup>st</sup> August
  - (ii) between the hours of 10.00am and 6.00pm at all other times of the year.
- f) Any person who is in charge of a jet ski or fast power boat on the beach/foreshore/harbours or estuaries shall ensure the following:-
  - (i) That it is at all times under proper and adequate control.
  - (ii) That it is driven or operated at such reduced speeds as are necessary in the vicinity of bathers and/or other water users (including wind surfers, surfers, canoeists, dinghy sailors, keel boat sailors, anglers, scuba divers, snorkellers, rowers etc.) so as not to cause such bathers or other water users fear or anxiety or cause them to take avoiding action or suffer difficulties due to excessive wake or wash.
- g) A person shall not wilfully cause danger, obstruction or annoyance to other persons using the beach/foreshore/harbours or estuaries or wilfully obstruct any officer or employee of the Council in the execution of his/her duty in the enforcement of these Bye-Laws.
- h) A person in charge of a jet ski or fast power boat shall not drink, consume or partake of alcoholic beverages in or on the beach/foreshore/harbours or estuaries, or be under the influence of alcohol while in charge of a jet ski or fast power boat on the beach/foreshore/harbours or estuaries.

- i) The Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004 (S.I. 259 of 2005) oblige all persons on board any craft of less than 7m in length to wear a personal floatation device (PFD) or a lifejacket while on board an open craft or while on the deck of a decked craft, other than when the craft is made fast to the shore.
- The master or owner of a craft is required to ensure that either a PFD or a lifejacket is carried on the craft for each person on board.
  - The master or owner of a craft is required to take all reasonable steps to ensure that all persons under the age of sixteen must wear a personal floatation device or a lifejacket while on board an open craft or while on the deck of a decked craft, other than when it is made fast to the shore or at anchor.
  - The term “open craft refers to a craft without a cabin or below deck facilities for persons on board and where any seating is exposed or partially exposed to the elements.
  - The master or owner of a craft (other than a personal water craft PWC) is required to take all reasonable steps to ensure that a person wears a PFD/lifejacket while:
    - (a) Being towed by the craft, or
    - (b) On board a vessel or object of any kind being towed by the craft.
  - The wearing of PFD/lifejacket requirements under these Regulations do not apply to a craft (other than a PWC), which is not underway, when the person:
    - a) Is wearing, putting on, or taking off, scuba diving equipment, or
    - b) Is about to engage in, or has just completed swimming (including snorkelling) from the craft.
- j) Every person in charge of a jet-ski shall act in such a manner as not to cause injury, annoyance or danger to any person using the beach/foreshore/harbours or estuaries including persons resident near the coastline of the Estuaries or other persons using the estuaries or windsurfing or swimming in the sea or to disturb naturally occurring flora and fauna. Electrical suppression shall be included for all motors of such jet-skis and fast power boats which are operated in or on the beach/foreshore/harbours or estuaries. No craft may be operated in such a manner as to cause a nuisance to other water users or to persons ashore.
- k) Every person bringing a jet-ski or power boat onto the beach/foreshore/harbours or estuary area shall be responsible and liable for any damage or injury to property or persons which may be caused by it.
- l) Any person bringing a jet-ski or fast power boat onto the beach/foreshore/harbours or estuary area who contravenes these Bye-Laws must remove it from the beach/foreshore/harbours or estuary area if so directed by an authorised person.

#### 4. PERMITS

- a) The Council will not issue a permit to a person who applies for a permit to jet ski or fast power boat in an area designated a Special Area of Conservation (SAC) or Special Protection Area (SPA). See Schedule 2 attached hereto.
  
- b) The Council may issue a permit to -
  - (i) any person,
  - (ii) limited companies
  - (iii) water sports club or organisationfor the exclusive and/or specific occupation by such person, club or organisation of any portion of the beach/foreshore or estuaries. Any permission granted shall be in accordance with such conditions as the Council considers appropriate having regard to the circumstances in any particular case. The Council shall always be entitled to add conditions to existing permits.
  
- c) The Council may refuse permission to a person who applies for a permit to operate a jet ski or fast power boat on the beach/foreshore or estuaries if it is satisfied that the operation of such jet ski or fast power boat would result, or be likely to result in loss of amenity, danger, injury annoyance to other persons including persons resident near the coastline of the beach/foreshore/harbours or estuaries as an amenity.
  
- d) If permission is granted, it shall be in writing and signed by an Authorised Person and any person having obtained such a permit shall whenever requested to do so by an officer or employee of the Council or by any member of the Garda Síochána, produce for inspection such a written permit, unless otherwise exempted ( See Section 6).
  
- e) The permit shall be valid for a period of 12 months or such period of time as defined by the Council.
  
- f) Any permit issued under the aforementioned bye-laws shall be carried by the applicants at all times while engaged in the activity so permitted, unless otherwise exempted (See Section 6). It shall be an offence not to do so.
  
- g) An applicant must produce any permit issued under the aforementioned bye-laws when demanded by an Authorised Person.

## 5. OFFENCES

- a) It shall be lawful for any Authorised Person or member of the Garda Síochána to enforce these bye-laws and to exclude or remove from any part of the beach/foreshore/harbour or estuaries any person committing any breach of the above bye-laws and to take such other steps as authorised by law.
- b) A person may be served with a notice specifying a fixed payment, not exceeding €150.00 in respect of a contravention of a bye-law as an alternative to prosecution for the contravention. Notice of the fixed payment shall be in the general form of the notice set out in Schedule 2 attached hereto.
- c) A person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,000.00 in the case of a first offence, or €2,000.00 in the case of a second or subsequent offence.
- d) It shall be an offence to use a jet-ski and/or fast power boats in designated areas outside the hours indicated below (see Schedule 1):
  - (i) between the hours of 10.00am and 8.00pm from 1<sup>st</sup> June to 31<sup>st</sup> August
  - (ii) between the hours of 10.00am and 6.00pm at all other times of the year.
- e) A person who obstructs or impedes or refuses to comply with a request of a member of the Garda Síochána or of an authorised person acting in the exercise of the functions conferred on an Authorised Person by these bye-laws shall be guilty of an offence.
- f) Where an Authorised Person or member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the authorised person or the Garda, as the case may be, may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.
- g) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.
- h) An offence under these bye-laws may be prosecuted by the Council, by any other local authority acting on its behalf or by a member of the Garda Síochána.
- i) Nothing herein contained shall be construed to prevent an Authorised Person from exercising any powers granted under the Maritime Safety Act 2005.



## 6. EXEMPTIONS

These Bye-Laws shall not apply to craft operated in the course of duty of

- the authority concerned
- An Garda Síochána
- the Defence Forces
- the Revenue Commissioners
- the Central Fisheries Board or a Regional Fisheries Board
- the Irish Coast Guard
- the Commissioners of Irish Lights or the Royal National Lifeboat Institution
- craft while involved in bona fide emergency, enforcement, or rescue situations
- water sports clubs and organisations with the written consent of the local authority.\*

\*It should be noted that a written list must be provided to the Council of craft operated by watersports clubs and organisations which use fast power boats and jet skis for the provision of -

- safety cover for watersports activities
- instructor/coaching platforms
- race management duties
- training for the use of fast power boats and jet skis

## 7. SPEED LIMITS

The Council may from time to time introduce speed limits at specific locations at an appropriate level having regard to the circumstances prevailing.

Mariners should have regard to the provision of the International Regulations for Preventing Collisions at Sea (or COLREGS) in particular rules 5 and 6 (See Regs for details).

## 8. APPEALS PROCEDURE

Persons who are dissatisfied with the decision taken regarding permit refusal under Section 4 of the Bye Laws, may seek a review of the decision by writing to:


The Water Safety Development Officer,  
Fingal County Council,  
County Hall, Main Street,  
Swords, Co. Dublin.

These Bye-Laws came into effect on 25<sup>th</sup> July 2006.

## ***SCHEDULE 1***

The use of jet-skis and fast powerboats is restricted in the areas set out below. At no time, during the high season (May to September), shall a person bring a jet ski or fast power boat into, or have a jet-ski or fast power boat under his or her control in an area specified as a Reserved Bathing Area as outlined. A Reserved Bathing Area refers to 200m to left & right of Lifeguard Station.

### **1.1 Prohibited Use of Jet Skis and Fast Power Boats at ALL Times**

<b>PROHIBITED AREAS</b>
Howth – Claremont
Sutton - Burrow Road
Portmarnock – 1 & 2
Portrane – Tower Bay
Portrane – The Brook
Rush – North
Skerries – North & South
Balbriggan
Balbriggan Blackrock
All tidal & coastal areas extending for a distance of 200m seaward from the LWM or 400m seaward of the HWM whichever is the lesser as indicated by  on maps attached.

### **1.2 Restricted Use of Jet Skis and Fast Power Boats at Specified Times and Limited Numbers**

<b>AREAS</b>	<b>RESTRICTION ON USE</b>	<b>NUMBERS</b>
Loughshinny	Prohibited 1 <sup>st</sup> June – 31 <sup>st</sup> Aug	3
Donabate Balcarrick	Prohibited within Reserved Bathing Area 1 <sup>st</sup> June – 31 <sup>st</sup> Aug	3
Rush South Strand	Prohibited within Reserved Bathing Area 1 <sup>st</sup> June – 31 <sup>st</sup> Aug	3
Balbriggan Harbour Slipway	Tidal	2
Skerries Harbour Slipway	Tidal	2
Rogerstown Harbour Slipway	Tidal	3
Malahide Marina	Berthing at Marina only	10
Malahide Public Slipway	Tidal	3

## ***SCHEDULE 2***

### **2.1 SPECIAL PROTECTION AREA (SPA) & SPECIAL AREA of CONSERVATION (SAC)**

<b>SPA's / SAC's</b>
Baldoyle Bay
Howth Head
Malahide Estuary
Rogerstown Estuary
Ireland's Eye
Lambay Island
Rockabill Island
Skerries Islands

### **2.2 NOTICE SPECIFYING A FIXED PAYMENT (ON-THE-SPOT FINE) SHALL SPECIFY AS BELOW:-**

- a) The amount of the fixed payment;
- b) The period in which it must be paid – 21days;
- c) The name and address of alleged offender;
- d) In general terms the nature of the contravention alleged to have been committed;
- e) The date in place of the alleged contravention;
- f) The alleged offender is entitled to disregard the notice and defend a prosecution of the alleged contravention in court;
- g) Authorised Person

**FINGAL COUNTY COUNCIL**

**BYE LAWS 2006 REGULATING**  
**RECREATIONAL CRAFT**  
**(INCL. FAST POWER BOATS)**  
**AND**  
**PERSONAL WATERCRAFT (JET-SKIS)**

**MADE UNDER**

**PART VI OF THE MARITIME SAFETY ACT, 2005**

PRESENT when the Common Seal of THE FINGAL  
COUNTY COUNCIL was affixed hereto:

\_\_\_\_\_  
Cathaoirleach/Nominated Member  
Comhairle Contae Fhine Gall

SEAL

\_\_\_\_\_  
County Manager/Director of Services

Dated: \_\_\_\_\_