

S.I. No. 80/1992 - Shannon Navigation Bye-Laws, 1992.

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S.I. No. 80 of 1992.

SHANNON NAVIGATION BYELAWS, 1992.

The Commissioners of Public works in Ireland, in exercise of the powers conferred on them by section 3 of the Shannon Navigation Act, 1990 (No. 20 of 1990), hereby make the following Bye-laws:

1 Citation and Commencement. **1.** (1) These Bye-laws may be cited as the Shannon Navigation Bye-laws, 1992.

(2) These Bye-laws shall come into operation on the 28th day of April, 1992.

2 Interpretation. **2.** (1) In these Bye-laws, except where the context otherwise requires—

"the Act" means the Shannon Navigation Act, 1990 (No. 20 of 1990);

"authorised officer" means an officer of the Commissioners authorised in writing by the Commissioners to exercise the powers conferred on an authorised officer by these Bye-laws;

"boat" means an open or undecked punt, canoe, skiff, scull, row boat or other such boat designed to be propelled primarily by oars or sail and not propelled by an engine of more than 15 horsepower;

"the Commissioners" means the Commissioners of Public Works in Ireland;

"master" means the person for the time being in charge of a vessel or boat;

"movable bridge" means any bridge capable of being opened to permit the passage of vessels;

"the navigation" means the Shannon navigation;

"passenger boat" means a boat used for the purpose of carrying passengers for reward;

"passenger vessel" means a vessel used for the purpose of carrying passengers for reward;

"register" means the register established under Bye-law 6 and cognate words shall be construed accordingly;

"works" means any lock, lock-gate, lock-gate mechanism, sluice, paddle, weir, weir-board, bridge, basin, reservoir, tunnel or water gauge or any other part of the navigation works;

"vehicle" includes a caravan;

"vessel" means a ship or craft of any description but does not include a boat.

(2) References in these Bye-laws to vessels or boats are, except where the context otherwise requires, references to vessels or boats in the navigation.

(3) In these Bye-laws—

(a) a reference to a Bye-law is a reference to a Bye-law of these Bye-laws unless it is indicated that reference to some other bye-laws is intended.

(b) a reference to a paragraph, or subparagraph is a reference to the paragraph, or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

3 Powers of authorised officers.

3. (1) when performing any of his functions under these Bye-laws, an authorised officer shall, if so requested by any person affected, produce his authorisationn for inspection by that person.

(2) An authorised officer may—

(a) for the purposes of these Bye-laws, board and inspect a vessel or boat and may, for the purpose of boarding it, stop a vessel or boat that is under way,

(b) request a person in the navigation (whether or not in a vessel or boat) to give to him such information within the knowledge of the person as the officer may reasonably require for the purposes of these Bye-laws,

(c) give to a person in the navigation (whether or not in a vessel or boat) such directions as he considers reasonable for the purposes of these Bye-laws or for the purpose of ensuring compliance with these Bye-laws or the safety of persons or property,

(d) direct a person whom he sees contravening a provision of these Bye-laws to give to the officer his name and address,

(e) direct a person whom he sees contravening a provision of these Bye-laws to leave the navigation.

(3) A person to whom a request or direction is made or given under paragraph (2) shall comply with the request or direction as soon as may be.

(4) A person shall not in pursuance of a request or direction under paragraph (2) give to an authorised officer information that is to the knowledge of the person false or misleading or a false name or address.

(5) A person shall not obstruct or hinder or otherwise interfere with an authorised officer in the performance of his functions under these Bye-laws.

4 Powers of Commissioners. **4.** The Commissioners may give to the owner of a vessel or boat such directions as they consider reasonable for the purpose of their powers, functions and duties under the Act and these Bye-laws and the owner shall comply with any such direction.

5 Prohibition of unregistered vessels. **5.** (1) The owner of a vessel shall not keep or navigate or cause to be navigated or authorise permit or assist in the navigation of the vessel unless the vessel is registered.

(2) A vessel registered in a register of vessels maintained by a person who regulates or controls vessels on rivers, canals, lakes or other waterways outside the State shall be deemed to be registered.

6 Registration of vessels.

6. (1) (a) The Commissioners shall establish and maintain a register (referred to subsequently in these Bye-laws as "the register") of the vessels in the navigation.

(b) An entry in the register in relation to a vessel shall contain such particulars, including particulars in relation to the vessel and its ownership, as the Commissioners may determine.

(2) An application for the registration of a vessel shall be made on writing, addressed to the Commissioners at 51 St. Stephen's Green, Dublin, 2, and shall be in such form as the Commissioners may specify or in a form to the like effect.

(3) A person making an application under paragraph (2) shall furnish the Commissioners with such information requested by them as they may reasonably require for the purpose of their functions under this bye-law.

(4) The Commissioners may refuse to register a vessel if, in their opinion, the vessel does not comply with these Bye-laws or any other bye-laws under the Act or the Shannon Act or if a request under paragraph (3) in relation to the registration is not complied with.

(5) (a) The Commissioners may, as occasion requires, amend an entry in the register and may, if in their opinion a registered vessel does not comply with these Bye-laws or any other bye-laws under the Act or the Shannon Act, delete the entry in the register relating to the vessel.

(b) Where the Commissioners propose to refuse to register a vessel or to delete an entry in the register, they shall serve a notice on the owner of the vessel concerned specifying the proposal and, before deciding whether to proceed with the proposal, shall consider any representation made to them by such owner not later than 28 days after the notification aforesaid.

(6) Upon the registration of a vessel, the Commissioners shall issue to its owner a disc bearing an indication that the vessel is registered and the owner shall ensure that the disc is conspicuously displayed on the vessel during the period of registration but not if the vessel ceases (whether pursuant to paragraph (5) or (7)) to be registered.

(7) when a person acquires a registered vessel, the registration shall cease and the person shall notify the commissioners as soon as may be of the acquisition and of his name and address and the person from whom he acquired it shall return the disc issued to him under paragraph (6) to the Commissioners at the address referred to in paragraph (2).