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Red text – additions

Blue text – amendments/removals

Black text – existing Bye Laws with no proposed changes

**S.I. No. 247 of 1988 2023.**

**CANALS ACT, 1986 (BYE-LAWS), 1988 2023.**

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~~S.I. No. 247 of 1988.~~

S.I. No. xxx of 2023

CANALS ACT, 1986 (BYE-LAWS), ~~1988.~~2023

~~The Commissioners of Public Works in Ireland, in exercise of the powers conferred on them by section 7 of the Canals Act, 1986 (No. 3 of 1986), hereby make the following Bye-laws:~~

Waterways Ireland having obtained the prior written consent of the Minister for Housing, Local Government and Heritage in accordance with Section 7 of the Canals Acts 1986 and 2018 in exercise of the powers conferred on it by Section 7 of the Canals Act, 1986 (No. 3 of 1986) as amended by Section 56 of the Maritime Safety Act, 2005 (No. 11 of 2005) and by Section 7(2)(e) of the Heritage Act 2018 (No. 15 of 2018) and by Sections 11(5) and 44 of the British-Irish Agreement Act 1999 (No.1 of 1999) hereby makes the following bye-laws:

IWAI	<p><b><u>General comments</u></b></p> <ul style="list-style-type: none"><li>• Any annual registration <u>must</u> be invested back into improving the navigation itself and in improving services for waterways users (and not for the provision of greenways, boardwalks etc. which while welcome for the general public should be funded by other means)</li><li>• The money raised should be ring-fenced for improvement and maintenance works, separate from the current budget which also services the pension fund</li><li>• Any annual registration fee should be payable on line with the option of quarterly / six monthly payments similar to the car tax system, with the issuing of a disc with expiry date visible. The date should run from the date of payment</li><li>• A six -day rule would in fact be easier to monitor and enforce as those who cruise the system over the season but who also work full time would have no worries about incurring a fixed penalty notice. This would result in lowering the administration burden on WI staff and would lessen concerns form users re losing the goodwill of WI staff into the future if an owner was one day late returning to their vessel. Users would be more likely to cruise the entire system thus bringing economic benefit to all locations visited rather than just those in their immediate cruising area</li><li>• A great deal of concern would be allayed if WI were to consider the introduction of an independent appeals process in relation to the fixed penalties notices. Many fear the possibility of unaffordable legal costs in the event of receiving a fixed penalty notice that they feel is unwarranted.</li><li>• Consideration should be given to the registration of all powered craft on the system, including those outside the scope of the annual permits. Their registration would be free. A simple online registration process would enable WI to keep an up to date log of vessels using the waterways. A user accessible system will allow people to register any tender that is connected to their boat and changes of tender would need to be registered.</li></ul>
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	<ul style="list-style-type: none"> <li>• The IWAI Liveaboard Policy sets out a plan to future proof the entire canal network, yet WI's current plan seeks only to expand services in the Dublin and surrounding areas. Figures for serviced berths of 50 on each of the Grand and Royal fall short of what is and will be needed. This plan needs to be expanded to include areas well outside Dublin's catchment area. Providing serviced berths in midland towns with good transport links offers greater choice to liveaboards and will help bring traffic to those areas on the canal. This is definitely a case of 'If you build it they will come!'</li> <li>• The Byelaw detailing the Serving of Notices is missing from this draft. The Byelaw detailing the Fixed Penalty Notice is missing from this draft. These Byelaws need to be streamlined with the Shannon Navigation Byelaws and either include the missing Byelaws in both or remove from both.</li> </ul>
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## **1 Citation and commencement And Revocation**

**1.** (1) These Bye-laws may be cited as the Canals Act, 1986 (Bye-Laws) ~~1988~~ 2023.

(2) These Bye-laws shall come into operation on the ~~11th~~ day of

~~October, 1988.~~ day of 2023

(2) These Bye-Laws repeal the Canals Act, 1986 (Bye-Laws), 1988 (S.I. No. 247/1988).

## **Definitions.**

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

**“accommodation space”** means the space surrounded by permanent boat structure in which there is provision for any of the following activities: sleeping, cooking, eating, washing, toilet, navigation and steering. It excludes spaces intended exclusively for storage of fuel, water and supplies, open cockpits with or without canvas enclosures and engine rooms;

**“annual Canals Permit”** means the permit referred to in Bye-law 38;

**“annual Houseboat Permit”** means a permit referred to in Bye-law 39;

IWAI A	<b>IWAI viewpoint</b>  Annual permits should facilitate access to all facilities all year round
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**"boat"** means an open or undecked punt, canoe, skiff, scull, rowing boat or other such boat designed to be propelled primarily by oars or sail and not propelled by an engine of more than 30 horsepower;

IWAI B	<b>IWAI viewpoint</b>  The interpretation of the words "boat" and "vessel" are needlessly complicated. Only one interpretation is needed, preferably the word 'vessel'. Then list what is excluded from the requirement for a registration fee in Regulation 9.  Alternatively revert to the original interpretation of the word 'vessel'.
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**"canal property"**, without prejudice to the meaning in the Canals Act, 1986 , includes any building, plant, equipment, property or land owned or used by ~~the Commissioners~~ **Waterways Ireland**.

in the execution of their duty under the Act;

**"CE marking"** means a marking by which a manufacturer indicates that the product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;

**"coarse fish"** means any fresh water fish other than pike, salmon, trout, eels or minnow.

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

**"event"** means any event organised on the canal property;

C	<p><b>IWAI Viewpoint</b></p> <p><b>This interpretation needs to be expanded to define what exactly an ‘event’ is. Perhaps commercial, public event and or club Events</b></p>
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**“fixed payment notice”** means the notice under section 7 of the Canals Acts 1986 as amended by section 56 of the Maritime Safety Act, 2005 and Heritage Act 2018 regarding an alleged offence in contravention of bye-laws made under section 7 of the said Act;

"**gross tonnage**" and "net tonnage" shall be as determined in accordance with the provisions of the Merchant Shipping (Tonnage) Regulations, 1984 ( S.I. No. 369 of 1984 );

**“heritage boat”** is a boat over 25 years old which is of significance because of its intrinsic construction or because of its association with the commercial, cultural, economic, industrial, military, political, social or other history of the country.

IWAI D	<p><b>IWAI Viewpoint</b></p> <p><b>Does the inclusion of the word country in this definition, preclude vessels from other countries being considered heritage boats?</b></p> <p><b>Should be title heritage vessel for consistency</b></p>
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**“houseboat”** means a boat on the canals which is being used as the residence of the owner and/or immediate family with the owner’s permission;

**“immediate family”** means spouse, civil partner and/or children and/or parents of the owner.

"**master**" means the person in charge of a vessel or boat;

**“natural heritage area”** means an area that has been designated as such by way of a Natural Heritage Order under Section 18 of the Wildlife (Amendment) Act 2000, or that, pending a

decision by the Minister under section 17 or 18 of that Act, is subject of a notice under section 16 of that Act;

**“Permit”** means a permit or licence issued by Waterways Ireland under Bye-law 6 of the Principal Bye-law and section 7(3) of the Canals Acts 1986;

**“personal watercraft”** (PWC) means a craft of less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull.

**"polluting matter"** has the meaning given to it by the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977);

**“Powered personal transporter”** means a vehicle-

- a. Designed and constructed for the carriage of a single person, but not designed or constructed for a person with restricted mobility or for the carriage of goods,
- b. With a maximum unladen weight of 25 kilograms,
- c. With a maximum design speed of no less than 6 kilometers per hour and no greater than 25 kilometers per hour, and
- d. Equipped with an electric motor having a maximum continuous rated power less than or equal to 0.5 kilowatts

IWAI E	<p><b>IWAI Viewpoint</b></p> <p><b>A previous draft had the unladen weight set at 55kg and the motor rated power at 0.25kw. Why have these criteria been changed?</b></p> <p><b>This definition may need expansion to include electric bikes which have capable of &gt;25kph or vehicles where the standing platform can accommodate &gt;1 person</b></p>
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**‘suitable personal flotation device’** as defined in S.I. No. 400/2018 - Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018 means a personal flotation device which—

(a) is sufficient to give a person using it a positive buoyancy in waters which are likely to be encountered where the vessel on which it is required to be used or to be available for use is reasonably likely to be,

(b) is appropriate to the body weight of the person who is to wear it, and

(c) has on it either—

(i) the CE conformity marking consisting of the initials ‘CE’ taking the form shown in the specimen in Annex II of Regulation (EC) 765/2008 of 9 July 2008<sup>1</sup>, or

(ii) the mark of conformity in the form of the symbol set out in Annex I to Council Directive 2014/90/EU of 23 July 2014<sup>2</sup>.”.

"**underway**" in relation to a vessel or boat means a vessel or boat which is not at anchor nor made fast to the shore nor aground.

**“vessel”** means every description of craft including ship, barge, personal watercraft, sailing vessel, decked pleasure craft, seaplane but does not include a boat.

IWAI F	<p>This definition is not relevant for the canals. Again, to simplify matters we suggest one definition. See IWAI viewpoint B above</p> <p>Alternatively revert to the original wording in the Shannon Byelaws 1992, which is clearer and less prescriptive</p>
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**“Waterways Ireland”:** In accordance with the British Irish Agreement Act 1999, Annex 1 Part 1 and Annex 2 Part 1, Waterways Ireland has responsibility for the management, maintenance and development principally for recreational purposes of the Grand Canal, Barrow Line and Navigation and the Royal Canal.

### **Issue and revoking of permits.**

3. (1). ~~The Commissioners~~ Waterways Ireland may issue permits to authorise and regulate the use of vessels & boats on the canal property.



(2) Permits may contain such reasonable written conditions as **Waterways Ireland** ~~the Commissioners~~ think fit.

(3) Permits shall be for stated periods or journeys.

(4) Permits may be revoked or withdrawn by ~~the Commissioners~~ **Waterways Ireland**.

<b>IWAI 3(4)</b>	<b>Refund of fees if permit withdrawn or revoked?</b>
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(5) ~~The Commissioners~~ **Waterways Ireland** may, at ~~their~~ **its** discretion, decline to issue any permit.

(6) Where ~~the Commissioners~~ **Waterways Ireland** propose to revoke or withdraw a permit ~~they~~ **it** shall, subject to paragraph (7) of this Bye-law, serve notice on the owner of the vessel or boat.

<b>IWAI 3(6)</b>	<b>Reasons for withdrawal or revocation should be stipulated. Also a right to appeal should be included</b>
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(7) Where it has not been found possible on reasonable enquiry to ascertain the name and address, or to locate the owner, or where the vessel or boat, in the opinion of ~~the Commissioners~~ **Waterways Ireland** or any of ~~their~~ **its** authorised officers, is or is likely to become or create an obstruction or danger to the canal property or other users or is likely to deposit or discharge any offensive or polluting matter on to any part of the canal property, ~~the Commissioners~~, **Waterways Ireland** or any of ~~their~~ **its** authorised officers, may withdraw or revoke the permit without prior notification to the owner.

(8) Any vessel or boat on canal property which is without a valid permit but is being used for a purpose for which a permit is required under these Bye-laws may be removed and stored by, or on the authority of, ~~the Commissioners~~ **Waterways Ireland**.

#### **4. Construction and safety measures on vessels & boats.**

(1) No person shall navigate or moor any on the canals unless such vessel or boat and the equipment thereof shall be maintained in good and efficient working order, and shall be such and so maintained that no danger is liable to be caused thereby to any person or property.

(2) Without prejudice to the generality of paragraph (1) of this Bye-law, the owner of each vessel or boat used on the canals shall ensure that—

(a) all steering gear is maintained in good and efficient working order and is properly adjusted;

(b) each vessel or boat is constructed and maintained in such a condition as to prevent to such extent as is reasonably possible the emission of any exhaust gasses the emission of which might cause damage to persons or property or to the environment, or endanger the safety or health of any user of the canals;

IWA 4(2)(b)	<p>The majority of the fleet operate diesel engines, which all emit exhaust. In future years, this may change as/if the fleet electrifies. This clause could be used to ground most boats in the future.</p> <p>We need classifications for Classic and Vintage Heritage boats affording them some exemption from aspects of this clause, thus mirroring the current situation as per laws for motor cars.</p>
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(c) all fuel tanks and all apparatus supplying fuel to the engine of a vessel or boat are—

(i) of sound construction and adequately vented and have suitable provision for the prevention of spillage of fuel into the vessel or boat or canal property; and

(ii) placed as far as practicable away from the engine, the exhaust pipe and any cooking or heating appliances;

(d) all fuel supply pipes are fitted with a valve designed to shut off the supply of fuel between the tank and the engine;

(e) all joints and cocks are easily accessible and maintained in such a manner as to eliminate the risk of fire from leaking fuel;

(f) all electric leads shall be adequately insulated and protected and so placed that they cannot cause any danger;

(g) each vessel or boat with a fixed engine is equipped with a master switch capable of switching off all power to the engine and that each such switch shall be fitted as close as practicable to the terminals of the battery of the vessel or boat.

(h) A toilet fitted to a vessel or boat shall be so constructed and fitted as to prevent polluting matter from being discharged or passing into the navigation.

IWAI 4(2)(h)	<p>IWAI believes that the failure of the competent authorities (WI/Local Authorities etc) to provide or ensure the provision of adequate &amp; reliable infrastructure for the emptying of holding tanks on all parts of our waterways has led to this bye-law becoming discredited over time. Stories of vessels travelling long distances to empty holding tanks because pump-outs do not exist, are not functioning or in some cases were never commissioned are common. IWAI encourages members to comply with this byelaw but, given the state of the pump-out network, understands why many boat owners are reluctant or unable to do so.</p> <p>It is essential that WI ensure a fully equipped and functioning pump out system for the emptying of holding tanks before this Byelaw comes into force. An adequate number of Pump Out stations must be distributed evenly along the Canals and must be maintained in good working order. A lead in period which would allow the necessary upgrade to the pump out system, would also allow time for owners to finance and arrange for the retrofitting of holding tanks or other means, where no holding tank exists</p> <p>In addition to pump out facilities, there must be facilities to empty cassette toilets as these may be the only option for some boats.</p>
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(i) At least one CE approved Carbon Monoxide alarm shall be installed and maintained in working order on all vessels that have an accommodation space.

(j) At least one CE approved smoke alarm shall be installed and maintained in working order on all vessels that have an accommodation space.

(k) Every vessel constructed after 2023 shall have a permanently affixed Watercraft Builder's Plate that provides the following details:

- Manufacturer's details and address,
- CE marking of conformity,
- Watercraft design category,
- Maximum persons capacity,
- Manufacturer's recommended maximum load,
- Year of manufacture
- Propulsion Engine Identification (for a vessel with an inboard engine)
- The maximum engine(s) power (kW) - If a recreational craft is designed to be fitted with outboard propulsion engine(s)
- Watercraft Identification Number (WIN)

(l). Propulsion Engine Requirements - Every engine must be clearly and durably marked with the following information:

- Engine manufacturer's name,
- registered trade name or registered trade mark, as well as contact address and, if applicable, the name and contact address of the person adapting the engine.
- Engine type, engine family, if applicable;
- A unique engine serial number;
- CE marking.

IWA 4(2)(l)	Older vessels should be exempt from this. The preservation of waterways heritage is important. Heritage vessels will not be able to comply with this
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(m) Every propulsion engine installed in or on a vessel must meet the applicable essential safety and environmental requirements as laid down in Directive 2013/53/EU. Any person who carries out a major modification to a propulsion engine must ensure that the modified engine is in conformity with the Directive.

IWAI 4(2)(m)	As above
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(n) To ensure safe handling characteristics, a vessel shall not be fitted with a propulsion engine that is more powerful than the maximum power for which vessel is designed and constructed. All tiller-controlled outboard propulsion engines must have an emergency stopping device fitted.

(o) Every vessel that has been imported into Ireland shall have a permanently affixed Importer's Plate that provides the following details:

- importer's name, registered trade name or registered trademark, as well as contact address, preferably in the cockpit or near the main steering position, but not on the Watercraft Builder's Plate.

IWAI 4(2)(o)	More clarity required here. Many vessels being imported are second hand and are being imported by a private individual. If they do not have this plate, how will a private individual generate one?
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(p) The Master of a vessel shall ensure that said vessel does not carry onboard more passengers and crew than is permitted by the vessel manufacturer and as stamped on the Watercraft Builder's Plate.

IWAI 4(2)(k)-(p) incl	The principle is welcome subject to the points raised above but care is needed that the wording is not too prescriptive so as to cater for a change in standards in the industry/ different jurisdictions using different standards in the future.
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## **5. Equipment of vessels & boats.**

5. (1) The master, owner or person in charge of a vessel or boat used on the canals shall ensure that the vessel or boat is equipped with—

(a) bow and stern mooring lines suitable for the tonnage and length thereof and of sufficient length and tensile strength to moor the vessel or boat securely;

(b) a suitable anchor, where it is appropriate to the type of vessel or boat, and a cable, chain or hawser for use with the anchor;

(c) sufficient fenders to prevent damage to other vessels or boats using the canals, or to canal property;

(d) a sufficient number of life buoys and life jackets for all those on board.

(2) The owner of every mechanically propelled vessel / boat used on the canals shall, in addition, ensure that the vessel or boat is equipped with

(a) an efficient exhaust silencer, and

(b) a good an efficient means of reversing.

(3) The Master of any open boat of less than seven (7) metres in length shall ensure that all persons wear a suitable personal flotation device when underway. The Master of a decked vessel shall ensure that all persons on deck wear a suitable personal flotation device when underway.

IWA1 5(3)	<b>S.I. 921 of 2005 requires PFD's to be worn on open or decked boats &lt;7m. This should be worded in the same way. As currently worded users on decked boats of all sizes can be issued with a fixed payment notice if seen on deck while boat is underway without a PFD. Wording on draft Shannon Byelaws is consistent with the wording in the SI</b>
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## **6. Liquid petroleum gas on vessels & boats.**

6. (1) No person shall have on board a vessel or boat used on the canals any cylinder containing liquid petroleum gas or other combustible gas unless such cylinder is—

(a) secured on deck away from hatches or other openings of the vessel or boat or placed in a housing which is ventilated and specially adapted to secure such cylinder and to allow access to the cylinder only from the top of the cylinder;

(b) installed in an upright position with the valve of the cylinder uppermost;

(c) installed at a safe distance from any cooking or heating appliance;

(d) not installed in an engine area or in or near the fuel supply of the vessel or boat;

**(2) Butane and propane gas burning installations shall comply with International Standards Organisation (ISO) 10239:2014 Small Craft Liquefied Petroleum Gas (LPG) systems.**

### **7. Storage of inflammable spirit on vessels & boats.**

7. The owner, master, or person in charge of any vessel or boat navigating or moored on the canals shall take proper steps to ensure that inflammable spirit taken on to a vessel or boat shall be loaded, stored and used in such a manner as not to be or become a danger or nuisance to any persons or property.

### **8. Fire extinguishers on vessels & boats.**

8. (1) No person shall navigate or moor on the canals a vessel which has an enclosed cabin unless there is on board—

(a) in the case that the vessel does not exceed 5 metres in length, a dry powder fire extinguisher of 1.0 kilogrammes capacity,

(b) in the case that the vessel exceeds 5 metres but does not exceed 9 metres,

(i) where the vessel does not have cooking facilities, a dry powder fire extinguisher of 1.0 kilogrammes capacity, or

(ii) where the vessel has on board cooking facilities, 2 dry powder fire extinguishers each of which is of 1.0 kilogrammes capacity

(c) in the case that the vessel exceeds 9 metres

(i) where the vessel does not have cooking facilities, 2 dry powder fire extinguishers each of which is of 1.0 kilogrammes capacity, or

(ii) where the vessel has cooking facilities, 3 dry powder fire extinguishers each of which is of 1.0 kilogrammes capacity.

IWAI 8(1)	For ease of understanding, the fire extinguisher requirements should be harmonised across both sets of byelaws
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(2) A vessel shall be deemed to comply with the requirements laid down in paragraph (1) of this Bye-law if, in place of a dry powder fire extinguisher, it carries a carbon dioxide fire extinguisher of 2.0 kilogrammes capacity, or a foam extinguisher of 9 litres capacity.

(3) Fire extinguishers carried on vessels and boats in compliance with this Bye-law shall—

~~(a) be in good working order, and~~

(a) “be in working order, serviced every year and the service recorded on them”

IWAI 8(3)(a)	Needs to revert to original wording as this is unenforceable
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(b) be located in accessible positions on the vessel or boat as near as practicable to points on the vessel or boat where the potential for fire is greatest.

### **9. Domestic appliances on vessel & boats.**

9. The owner, master or person in charge of a vessel or boat used on the canals which is equipped with any appliances for heating, cooking, heating water or keeping food refrigerated, shall ensure that such appliances shall be firmly secured to a solid surface of the vessel or boat.

### **10. Batteries on vessels & boats.**

10. No person shall navigate or moor a vessel or boat on the canals unless any battery used on the vessel or boat is—



(a) securely installed in a ventilated compartment so as to prevent accidental movement and damage to such battery, and

(b) fitted so as to be as far away as practicable from any petrol cock, fuel tank or fuel filter.

## **11. Maximum dimensions of vessels.**

**11. (1)** No person shall navigate or moor any vessel on the canals, except in Ringsend Dock or between locks 35 and 36 of the Grand Canal if such vessel exceeds 18.7 metres in length, 4.0 metres in beam and 1.2 metres in draft, other than with consent of ~~the Commissioners~~ **Waterways Ireland**.

(2) No person shall navigate or moor any vessel in Ringsend Dock if such vessel exceeds 45.1 metres in length, 9.1 metres in beam and 4.4 metres in draft, other than with the consent of ~~the Commissioners~~ **Waterways Ireland**.

(3) No person shall navigate or moor any vessel on the Grand Canal between locks 35 and 36 if such vessel exceeds 24.4 metres in length, 4.4 metres in beam and 1.2 metres in draft, other than with the consent of ~~the Commissioners~~ **Waterways Ireland**.

## **12. Appointment of master of vessel or boat.**

**12.** The owner of a mechanically propelled vessel or boat, which is powered by an engine exceeding 10 BHP, shall not navigate or permit the navigation of the vessel or boat on any part of the canals unless—

(1) the owner, or some other person whom the owner deems competent, has been designated by the owner to be master of the vessel or boat, and

(2) the vessel or boat has a competent crew of such number and of such skills as to enable the vessel or boat to be navigated safely on any part of the canals, and

<b>IWAI 12(2)</b>	<b>Who defines the minimum number for a competent crew? Many canal users travel single handed and are very competent and responsible. If WI is using this requirement on health and safety grounds they must in the first instance</b>
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	<p>look at the health and safety risks associated with lock and jetty infrastructure and rectify these issues. Many jetties have damaged and unsafe decking, bollards and rings are severely damaged or non existent at locks. Only the locks on the Shannon Erne Waterway have ladders in the lock chambers. Consideration must be given to retro fitting ladders to remaining canal locks. This will greatly improve health and safety without restricting canal boaters who have travelled the system single-handed for many years. There needs to be parity with the proposed Shannon Byelaws.</p>
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(3) the master shall be in command of the vessel or boat at all times when the vessel or boat is under way.

(4) A person under the age of sixteen (16) years shall not operate or control a vessel or boat powered by an engine of more than 10 horsepower on the canals.

(5) A person under the age of twelve (12) years shall not operate or control a vessel or boat powered by an engine of more than 5 horsepower on the canals.

#### **16 Care for other canal users and property.**

**13.** Persons on canal property shall behave with due care and attention and with reasonable consideration for the property and for other persons using the canals.

#### **14. Alcohol or drugs.**

**14.** Persons who are under the influence of alcohol or drugs to such an extent as to have their capability to navigate or have proper control of any vessel or boat impaired shall not—

(1) navigate such vessel or boat on the canals or

(2) use any equipment or installation owned by ~~the Commissioners~~ Waterways Ireland.

#### **15. Prohibitions on navigation**

15. (1) ~~The Commissioners~~ Waterways Ireland may prohibit navigation on the canals or any part thereof from time to time for the purposes of—

(a) work on the canal property, or

(b) any event authorised by ~~the Commissioners~~ Waterways Ireland.

(2) ~~The Commissioners~~ Waterways Ireland, or any authorised officer, may prohibit navigation on the canals or any part thereof from time to time for the purposes of—

(a) an emergency, or

(b) preventing the passage of a vessel or boat in respect of which a permit has not been issued under these Bye-Laws, or has been withdrawn, or is not displayed in the manner prescribed in these Bye-laws.

#### **16. Restriction on navigation by night etc.**

16. (1) No person shall navigate, or cause to be navigated, on the canals any vessel or boat by night or in poor visibility, except with the permission of ~~the Commissioners~~ Waterways Ireland.

(2) In this Bye-law "night" means the hours between sunset and sunrise.

#### **17. Navigation.**

17. (1) No two mechanically propelled vessels or boats shall run abreast of each other on the canals.

(2) Vessels or boats navigating with the stream on the canals shall have precedence of passage through a bridge over those navigating against the stream.

IWA1 17(2)	Not relevant as there is rarely a stream on the canals. Given the narrow width of the channel, common sense should dictate right of way. Alternatively, wording such as
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	ascending towards the summit level or descending away from the summit level could be considered.
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(3) Vessels or boats navigating in opposite directions shall pass port side to port side. Where necessary, vessels or boats navigating against the stream shall reduce speed, or stop, to allow clear passage to vessel or boat navigating with the stream.

(4) The master, or person in charge, of any vessel / boat who is navigating such vessel or boat in order to overtake another vessel or boat shall overtake on the port side of the vessel or boat to be overtaken.

#### **18. Danger etc. to other canal users and speed on canals.**

**18.** (1) The master, or person in charge, shall not navigate a vessel or boat on the canals at such speed or in such a manner as to cause or be likely to cause danger, injury, damage, obstruction or nuisance to other users of the canals, or to any property.

(2) Subject to paragraph (3) of this Bye-law a master, or person in charge, shall not navigate a vessel or boat on the canals at a speed in excess of 6 Km per hour (3.5knots).

(3) The master, or person in charge, shall not navigate a vessel or boat on the Barrow Navigation at a speed in excess of 11 Km per hour (6 knots), except as necessary for safe navigation in conditions of fast flow.

<b>IWAI 18(2) &amp; (3)</b>	<b>Need to harmonise the speed limits across the navigations</b>
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(4) The master, or person in charge, of any vessel or boat on the canals approaching or passing any place where work is being carried on shall reduce speed.

(5) The master, or person in charge, of any vessel or boat used on the canals shall reduce the speed of such vessel or boat when approaching any lock on the canals and be prepared to stop and keep out of the way of any vessels or boats leaving such lock.

### **19. Vessels & boats under sail.**

**19.** (1) A person shall not navigate a sailing vessel or sailing boat on the canals unless the mast can be lowered on and secured to the deck of the vessel or boat.

(2) A vessel or boat under sail on the canals shall have a right of way over any other vessel or boat, except for a mechanically propelled vessel or boat which is restricted in its ability to manoeuvre.

(3) When two vessels or boats under sail on the canals are approaching one another, so as to avoid the risk of collision, one of them shall keep out of the way of the other as follows:

(a) when each has the wind on a different side, the vessel or boat which has the wind on the port side shall keep out of way of the other, or

(b) when both have the wind on the same side, the vessel or boat which is to windward shall keep out of the way of the vessel or boat which is to leeward.

(4) No person shall hoist a sail when navigating into or out of a lock.

(5) For the purpose of this Bye-law, the windward side shall be deemed to be the side opposite to that on which the main sail is carried or, in the case of a square rigged vessel or boat, the side opposite to that on which the largest fore-and-aft sail is carried.

### **20. Operation of locks.**

**20.** The master, or person in charge, of a vessel or boat shall—

(a) as soon as possible after entry to a lock chamber, secure the vessel or boat with a bow line and a stern line to the posts, bollards or rings provided for that purpose;

<b>IWAI 20(a)</b>	<b>Needs clarification for vessel type. For a barge, using a stop rope and tick-over revs is usually safer than bow and stern</b>
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	warps. This allows the master of the vessel to react immediately to any dangers
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(b) not refuel the vessel or boat while it is in the chamber;

(c) not permit the ignition while in a lock chamber, of any match, artificial lighter or other means of producing a naked flame by any person on board a vessel or boat carrying inflammable spirit;

(d) not attempt to open or close the gates of any lock other than by means provided for that purpose;

(e) not attempt to open or close the gates of any lock before the water level on either side of such gates is level;

(f) not operate any sluice until the lock gates are closed;

(g) not cause or permit any vessel or boat under his or her control to delay unnecessarily in any lock;

(h) ensure that, whenever there is more than one vessel or boat in a lock at the same time, the engine of each vessel or boat is switched off before the lock gates are closed and remains switched off until the lock gates are opened to allow the egress of the vessel or boat;

(i) not fill or empty or cause the filling or emptying of a lock when there is another vessel or boat approaching within sight and reasonable distance of the lock from the opposite direction to the vessel or boat under his or her control and where the level of the water in the lock is suitable for the approaching vessel or boat to enter the lock; and

(j) not navigate the vessel or boat singly through any lock when there is another vessel or boat or vessels or boats approaching within sight and reasonable distance from the same direction which are capable of being accommodated in the lock at the same time.

## **21. Precedence of vessels & boats for berths.**

**21.** At every harbour or landing place on the canal property vessels and boats shall have precedence for berths in order of their arrival.

**22. Mooring of vessels & boats and fixing of ropes.**

**22.** (1) No person shall moor a vessel or boat—

(a) at any lock, sluice, barrage, weir or bridge in such a way as to cause damage to or cause an obstruction to safe use of the said lock, sluice, barrage, weir or bridge;

(b) alongside another vessel or boat except where there remains sufficient space for two vessels or boats to pass and repass at the same time; or

(c) so as to cause danger or obstruct the passage of any vessel or boat in any part of the canals; or

(d) on a hard-edged mooring in Shannon Harbour and Richmond Harbour for more than a maximum of 5 days per calendar month from 01 April to 01 November without the permission of Waterways Ireland.

<b>IWAI 22(1)(d)</b>	<p><b>A more user-friendly rule to encourage use of the navigation would be to extend this to 6 days, to facilitate all waterways users not just those holidaying on hire boats. There also needs to be allowances for weather, water level variations etc. so the clause and ‘such permission shall not be unreasonably withheld’ should be added. This would also alleviate concerns re a shift in approach should Senior Management within Waterways Ireland change.</b></p> <p><b>The heritage value of these destinations is crucial. Consideration should be given to enforcing the shorts stay policy for the part of the harbours closet to the facilities. If introduced as is, this may force many vessels to move further up the line outside harbours, where the banks and the</b></p>
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	conditions of the canals are not suitable for volumes mooring, leading to sunken vessels.
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(e) in Grand Canal Dock and Spenser Dock without a valid Houseboat permit for more than 20 consecutive days without the permission of Waterways Ireland.

(2) No person shall affix any mooring rope to any sluice, lockgate, bridge or other property of ~~the Commissioners~~ Waterways Ireland not provided for the purpose of mooring.

(3) Where a mooring rope is affixed to any sluice, lockgate, bridge or other property of ~~the Commissioners~~ Waterways Ireland not provided for the purpose of mooring, the rope may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(4) Where a vessel or boat is moored on any part of the canals in contravention of this Bye-law the vessel or boat may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

### **23. Placing of buoys etc.**

23. (1) Except as is permitted under Bye-law 27 of these Bye-laws, no person shall place at the same location on the canal property any buoy, perch, marker, mooring or mooring post for a period longer than 5 days, other than with the consent of ~~the Commissioners~~ Waterways Ireland.

(2) Any buoy, perch, marker, mooring or mooring post placed or left in the canal property in contravention of this Bye-law may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

### **24. Going aground etc. of vessels & boats.**

24. (1) The owner, master, or person in charge of any vessel or boat which has—

(a) gone aground on any part of the canal property, or



IWAI 24(1)(a)	Going aground in the canals is usually due to a build-up of silt or low water levels – both of which are outside the control of the master
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(b) sunk in any part of the canals

shall, as soon as possible after the going aground or the sinking, inform ~~the Commissioners~~ **Waterways Ireland** thereof, and take all such steps as may be necessary to re-float the vessel or boat or remove it from the canal property.

(2) The owner, master or person in charge of any vessel or boat which has sunk in any part of the canals shall mark the place with a marker or buoy where such vessel or boat sank and shall maintain the marker or buoy in that place until such vessel or boat has been raised.

(3) Where a vessel or boat has gone aground or has sunk in any part of the canal property, the vessel or boat may be removed and stored by, or on the authority of, ~~the Commissioners~~ **Waterways Ireland**.

IWAI 24(3)	As above. Generally going aground in the canals is outside the control of the master or vessel owner. Removal and storage is not applicable in these circumstances. Needs to be reworded
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## **25. Placing of objects on canal property.**

25. (1) No person shall place on any part of the canal property any object whatsoever, except as a temporary mooring post, ~~unless such object is placed more than two metres away from the edge of the water in the canals;~~ other than with the permission of ~~the Commissioners~~ **Waterways Ireland**.

(2) Any object may be removed and stored by, or on the authority of, ~~the Commissioners~~ **Waterways Ireland** where such object is placed in contravention of this Bye-law.

## **26. Parking of caravans etc. on canal property.**

**26.** (1) No person shall park a caravan or any vehicle on canal property in such a place or in such a manner as to cause or be likely to cause danger, injury, damage, obstruction or interfere with the use of the canal property.

(2) No person shall park a caravan or any vehicle at the same place on canal property, or within 500 metres of the same place, for a period of more than one week, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

IWAI 26(2)	<b>This needs further clarification. One week per month, one week per year? Also 7 days for caravans but only 5 days for boats???</b>
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(3) Any caravan or vehicle may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland where such caravan or vehicle is parked in contravention of this Bye-law.

## **27. Use of a structure, tent, caravan or vehicle as a dwelling.**

**27.** (1) No person shall place or use any structure, tent, caravan or vehicle as a dwelling on canal property, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

IWAI 27(1)	<b>Allowance for casual camping for people touring in open boats or canoes, walking etc. is essential to encourage tourism. Therefore, do not remove clause (3) below in blue. Perhaps stipulate not obstructing the towpath and leave no trace. Also must consider the homeless who live on tents along the banks of the canals in urban areas.</b>
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(2) Any such structure, tent, caravan or vehicle placed or used on canal property in contravention of this Bye-law may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

~~(3) This Bye-law shall not apply to persons using canal property for a period of not more than one week at the same place.~~

## **28. Removal of vessels & boats etc. from canal property.**

28. Any vessel or boat, vehicle or object may be removed by, or on the authority of, ~~the Commissioners~~ Waterways Ireland where such vessel or boat, vehicle or object interferes with the use of the canals or canal property.

**29. Commercial operations on canal property.**

29.(1) No person shall engage in any commercial operations on the canal property, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

(2) Anything whatsoever which is used on canal property for the purposes of a commercial operation in contravention of this Bye-law may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) Licences issued to commercial operations may contain such reasonable written conditions as Waterways Ireland deems fit including but not limited to:

- (a) Location
- (b) hours of operation
- (c) nature of commercial operations
- (d) safety procedures
- (e) environmental requirements
- (f) indemnity requirements
- (g) Insurance requirements
- (h) Licence fee that will be charged by Waterways Ireland
- (i) prohibited activities
- (j) Local Authority permissions required.

IWAI 29(1)&(3)	<p>For reasons of equity, the charges for a commercial licence should be clearly laid out in an appendix to these Byelaws</p> <p>There should also be a clause allowing occasional commercial activities by voluntary organisations and community groups for fund raising purposes.</p>
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(4) Failure to comply with the conditions of the licence may result in withdrawal of the licence and removal of the commercial operations from canal property.

(5) All passenger boats, passenger ships and vessels used for commercial operations and carriage for reward shall be certified by the Marine Survey Office in accordance with the Merchant Shipping Acts.

(6) The Master of all passenger boats, passenger ships and vessels used for commercial operations and carriage for reward shall possess a commercial endorsement awarded by a competent authority.

### **30. Notice of Commissioners' intention to remove articles from canal property.**

30.(1) Where ~~the Commissioners~~ Waterways Ireland, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, propose to remove any vessel, boat, buoy, perch, marker, mooring, mooring post, tent, caravan, vehicle or object (in Bye-laws 30 and 31 referred to as an article) in accordance with the provisions of Bye-laws 3, 22, 23, 24, 25, 26, 27, 28 or 29 of these Bye-laws ~~the Commissioners~~ Waterways Ireland shall, subject to paragraphs (2) and (3) of this Bye-law, serve notice of ~~their~~ its intention on the owner of the article.

(2) Where it has not been found possible on reasonable enquiry to ascertain the name and address of the owner of the article or where the owner fails on request to remove an article within a reasonable period ~~the Commissioners~~, Waterways Ireland or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, may remove it forthwith.

(3) Where an article in the opinion of ~~the Commissioners~~ Waterways Ireland, or any authorised officer, is or is likely to become or create an obstruction or danger to the canal property or other users or is likely to deposit or discharge any offensive or polluting matter on to any part of the canal property, ~~the Commissioners~~ Waterways Ireland or any authorised officer, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, may remove such article without prior notification to the owner.

### **31. Removal and disposal of articles from canal property.**

31. (1) Where any article has been removed and stored in accordance with Bye-Laws 3, 22, 23, 24, 25, 26, 27, 28, 29 and 30(3) of these Bye-laws there shall be payable to ~~the Commissioners~~ Waterways Ireland by the owner of such article compensation equal to the costs incurred by ~~the Commissioners~~ Waterways Ireland in the removal and storage of, and

including the cost of making good any expense, loss or damage caused by, such article. The amount of the compensation shall be computed by ~~the Commissioners~~ Waterways Ireland and their certificate as to the amount thereof shall be final.

(2) ~~The Commissioners~~ Waterways Ireland may dispose of any article which has been removed and stored in accordance with Bye-laws 3, 22, 23, 24, 25, 26, 27, 28, 29 and 30(3) of these Bye-laws in any manner ~~they~~ it thinks fit where the owner of the article has not claimed it and paid the compensation due within one month.

(3) Where ~~the Commissioners~~ Waterways Ireland proposes to dispose of an article in accordance with the provisions of this Bye-law, ~~they~~ it shall, subject to paragraph (4) of this Bye-law, and provided the article is valued by ~~the Commissioners~~ Waterways Ireland at more than ~~£200,~~ One thousand Euro (€1,000), serve on the owner of the article a notice of their intention to dispose of the article.

(4) Where it has not been found possible on reasonable enquiry to ascertain the name and address of the owner of the article ~~the Commissioners~~ Waterways Ireland shall publish in at least one daily newspaper notice of their intention to dispose of the article.

(5) Compensation under this Bye-law may, in default of being paid, be recovered as a simple contract debt in a court of competent jurisdiction.

(6) ~~The Commissioners~~ Waterways Ireland shall not be liable for any loss or damage arising from the removal, storage or disposal in accordance with these Bye-laws of any article.

IWAI 31(6)	<b>Does not allow for any potential negligence e.g. a boat is dropped while being lifted. Reword to include 'WI will take due care and attention when removing vessels / property...'</b>
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### **32. Encroachments on canal property.**

**32. (1)** No person shall erect or place any encroachment whatsoever on any part of the canal property, other than with the consent of ~~the Commissioners~~ Waterways Ireland.

(2) Any encroachment erected or placed on the canal property in contravention of this Bye-law may be removed by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) Where ~~the Commissioners~~ Waterways Ireland, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, proposes to remove any encroachment from the canal property ~~the Commissioners~~ Waterways Ireland shall, subject to paragraphs (4) and (5) of this Bye-law, serve notice of ~~their~~ its intention on the person or persons encroaching.

(4) Where it has not been found possible on reasonable enquiry to ascertain the name and address of the person or persons encroaching, or where the person or persons encroaching fails on request to remove the encroachment within a reasonable period, it may be removed forthwith by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(5) Where an encroachment in the opinion of ~~the Commissioners~~ Waterways Ireland, or any authorised officer, is or is likely to become or create a serious danger to the canal property or users or is likely to deposit or discharge any offensive or polluting matter on to any part of the canal property, ~~the Commissioners~~ Waterways Ireland or any authorised officer, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, may remove such encroachment from the canal property without prior notification to the person or persons encroaching.

(6) Where an encroachment has been removed by, or on the authority of, ~~the Commissioners~~ Waterways Ireland compensation equal to the costs incurred by ~~the Commissioners~~ Waterways Ireland, including the cost of making good any expense, loss or damage caused by the encroachment, shall be payable to ~~the Commissioners~~ Waterways Ireland by the person or persons encroaching. The amount of the compensation shall be computed by ~~the Commissioners~~ Waterways Ireland and their certificate as to the amount thereof shall be final.

(7) Compensation under this Bye-law may, in default of being paid, be recovered as a simple contract debt in a court of competent jurisdiction.

### **33. Wandering or straying animals on canal property.**

**33.** (1) No person shall allow any animal to be turned loose or permitted to stray on any part of the canal property, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

(2) Any animal turned loose or permitted to stray in contravention of this Bye-law may be removed and impounded by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) Where an animal is impounded in pursuance of the powers conferred by this Bye-law there shall be payable to ~~the Commissioners~~ Waterways Ireland by the owner of such animal compensation equal to the costs incurred by ~~the Commissioners~~ Waterways Ireland in the removal, transportation and impounding of the animal and including the cost of making good any expense, loss or damage caused by the animal while on canal property in contravention of this Bye-law. The amount of the compensation shall be computed by ~~the Commissioners~~ Waterways Ireland and ~~their~~ its certificate as to the amount thereof shall be final.

(4) Compensation under this Bye-law may, in default of being paid, be recovered as a simple contract debt in a court of competent jurisdiction.

**34. Prohibitions or restrictions on the access of mechanically propelled vehicles to canal property.**

**34.** (1) ~~The Commissioners~~ Waterways Ireland may prohibit or restrict the access of mechanically propelled vehicles to any part or parts of the canal property.

<b>IWAI 34(1)</b>	<b>Now needs to also include electrically propelled vehicles</b>
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(2) Where it is proposed to prohibit or restrict the access of mechanically propelled vehicles under paragraph (1) of this Bye-law for a period in excess of eight weeks ~~the Commissioners~~ Waterways Ireland shall place a notice to that effect in at least one newspaper circulating in the area or areas concerned.

**35. Protection of biodiversity, water quality, heritage, environment and prohibited activities**

**(1) Proposed Natural Heritage Areas**

The Royal and Grand Canals are proposed Natural Heritage Areas under the Wildlife Amendment Act (2000) and are of high conservation significance for wildlife and habitats.

## **(2) Protection of Biodiversity**

The Royal and Grand Canals are proposed Natural Heritage Areas under the Wildlife Amendment Act (2000) and are of high conservation significance for wildlife and habitats.

No person shall;

- (a) kill, injure or otherwise interfere with or damage any species of wild life or habitat on canal/navigation property which is protected under the Wildlife Amendment Act (2000) or Birds and Natural Habitats Regulations (2011);
- (b) facilitate the killing, injuring or otherwise interference with any species of wildlife on canal/navigation property by domestic animals as a result of inadequate control;
- (c) destroy, damage or cut any tree, shrub or plant on any canal property, except with the permission of the Waterways Ireland;
- (d) remove any sand, gravel or other material from the canal property without the permission of the Waterways Ireland;
- (e) light any fire which might endanger any part of the canal property or cause nuisance to other canal users;

## **(3) Protection of Water Quality**

No person shall;

- (a) cause or permit any polluting/deleterious matter to enter the canals/navigation which undermines/adversely impacts compliance with the biological, chemical or hydro-morphological requirements of the EU Water framework Directive (2000/60/EC) and European Communities (Water Policy) Regulations 2003 (S.I. No 722 / 2003);
- (b) cause or permit any deleterious matter to enter the canals, or deposit or cause to be deposited waste oil or any offensive matter on any part of the canal/navigation property;

IWAI 35(3)(b)	<b>This Bye Law essential means that holding tanks or other means will become mandatory on vessels that do not have them installed, which we fully support.</b>
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	<p>However it should be phased in over ideally a 3 Year Period to allow vessel owners to Retro-Fit tanks along with absorbing the financial cost in doing so and to allow Waterways Ireland to upgrade and expand the existing pump out network which is inadequate. An adequate number of Pump Out Stations must distributed evenly along the navigation and must be maintained in good working order.</p> <p>The current distribution of Pump Out Stations on all inland navigations is not adequate to allow owners to comply with Bye Law 35(3).</p> <p>On the canals, it is even more challenging therefore the distance and number of locks to be negotiated needs to be taken into account when siting new pumpouts. The Barrow has no pump outs.</p> <p>On the canals, at certain times of year, travel is almost impossible due to either weed or low water levels. How are vessels expected to reach pump out facilities? WI should consider a mobile tanker with a fixed route and regular visits to more populated sections of the canals.</p> <p>Side by side with any pump out facilities, should be the facilities to empty cassette toilets, which may be the only viable option for some vessels</p>
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- (c) cause or permit any deleterious matter to enter the canals/navigation, contrary to the Local Government (Water Pollution) Act 1977 and the Fisheries Amendment Act.
- (d) discharge any water into the canals, other than water used for the purpose of cooling the engines of boats, or from sinks, wash-hand basins and showers on vessels or boats
- (e) discharge any sewage, bilge oil or other soiled water (black water) into the canals or navigation;
- (f) wash any animal in the canals or any motor car or other vehicle or any article or thing upon any part of the canal property, this bye laws does not prohibit the washing of vessel or boats for aesthetical and maintenance reasons;
- (g) wash or discharge from any agricultural machinery or discharge slurry or effluent associated with agricultural activity.
- (h) empty the contents of any composting toilet system into the canal or onto canal property.
- (i) extract any water from the canals without the permission of Waterways Ireland;

#### **(4) Protection of fisheries**

- (a) Notwithstanding the regulatory function and authority of Inland Fisheries Ireland and implementation of their byelaws, and the statutory remit of Waterways Ireland to manage and maintain its waterways, a Catch and Release policy is promoted on the canals.
- (b) Anglers on the Royal Canal, Grand Canal and Barrow Line and Navigation shall comply with the following rules in relation to the Conservation of Pike:
- (i) It is prohibited for any person to take or kill more than one pike on any one day.
  - (ii) It is prohibited for a person to take or kill any pike greater than 50 cm in length measured in a straight line from the tip of the snout to the fork of the tail.
  - (iii) It is prohibited for a person, to have in his or her possession or control more than one whole pike less than 50 cm in length measured in a straight line from the tip of the snout to the fork of the tail, or more than 0.75 kgs of pike flesh or parts whether as fillets, steaks, cutlets, sides or in any other form whatsoever.
  - (iv) Any pike taken inadvertently in contravention of this Bye-law must be handled carefully and returned without avoidable injury to the waters from which they have been taken.
  - (v) It is prohibited for a person to have in his or her possession more than 12 coarse fish for use as bait in fishing for pike.
  - (vi) Where a person has more than 4 coarse fish in his or her possession for use as bait in fishing for pike, the person, in respect of fish in excess of that number, must have obtained the fish from a fish tackle dealer or fish bait supplier registered with Inland Fisheries Ireland, and obtained and retained a receipt of their purchase.
- (c) Anglers on the Royal Canal, Grand Canal and Barrow Line and Navigation shall comply with the following rules in relation to the Conservation of Coarse Fish:
- (i) A person shall not take and kill by any means more than 4 coarse fish on any one day.
  - (ii) A person shall not take and kill by any means any coarse fish greater than 25 cm in length measured in a straight line from the tip of the snout to the fork of the tail.

- (iii) Any coarse fish taken inadvertently in contravention of this Bye-law must be handled carefully and returned without avoidable injury to the waters from which they have been taken.

#### **(5) Protection against spread of Invasive Species**

No person shall;

- (a) Transport, release or allow to disperse or escape any animal or plant into the Canals or Barrow Navigation, listed in Part 1 or Part 2 of the Third Schedule of Invasive Alien Species Regulation (EU) 1143/2014, or anything from which they could reproduce, or a vector material that is listed in Part 3 of the Third Schedule of Invasive Alien Species Regulation (EU) 1143/2014. These vector materials specifically include soil taken from a place contaminated with Japanese knotweed, Giant knotweed or their hybrid.
- (b) transport, release or allow to disperse or escape any species of crayfish into the Canals or Barrow Navigation, listed in SI 354/2018, the European Union (Invasive Alien Species) (Freshwater Crayfish) Regulations 2018.
- (c) throw, shoot or otherwise propel any stone, shot, bullet or other missile from, into or over any vessel or boat, or the canal property; except to allow for control of invasive species such as mink with the permission of Waterways Ireland;

#### **(6) Prevention of Waste**

As Waterways Ireland has adopted the principles of Leave No Trace, no person shall—

- (a) deposit or leave any litter on any part of the canal property in contravention of the Waste Management Act 1996;

<b>IWAI 35(6)</b>	<b>Waste disposal and recycling facilities must be available for those paying for serviced moorings. In addition, waste and recycling facilities are essential at harbours. More cooperation is needed between WI and Local Authorities to provide these facilities.</b>
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#### **(7) Protection of Heritage**

No person shall;

(a) destroy, damage or deface any canal/navigation infrastructure/property and have due regard for the protection of all heritage structures as legislated for under the Planning & Development Act 2001 and Regulations, and the National Monuments Act as amended.

#### **(8) Holding of events on canal property**

No person shall;

(a) hold any event on canal property without the permission of Waterways Ireland.

<b>IWAI 35(8)(a)</b>	<b>Need further definition of the word 'event'</b>
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(b)

(c) Waterways Ireland may set whatever requirements regarding insurance, risk assessment, safety management plan, waste management, indemnity of Waterways Ireland, Appropriate Assessment for environmental protection, Health and Safety procedures as it deems necessary.

(d) Organisers of events shall have due regard to biosecurity measures to prevent the spread of invasive species on canal property.

#### **(9) Diving and underwater activities on the canal property**

(a) Underwater activities and diving shall be prohibited without permission from Waterways Ireland.

<b>IWAI 35(9)(a)</b>	<b>Needs to be exceptions to this for search and recovery and defouling of props</b>
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(b)

(c) Vessels operating in support to a diving operation shall display the “A” flag of the International Code of Signals, in a suitable position and high enough to be visible from all directions.

(d) All vessels shall keep at a sufficient distance from a vessel displaying the “A” flag of the International Code of Signals.

## **(10) Prohibited Activity on canal property**

No person shall;

- (a) bathe or swim in any lock, harbour or dock on the canals, except with the permission of Waterways Ireland.

<b>IWAI 35(10)(a)</b>	<b>This is unenforceable. Swimming in canals and harbours has always been common place during periods of good weather</b>
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- (b) destroy, damage or deface any notice placed by Waterways Ireland, or with their permission, on any part of the canal property.
- (c) destroy, damage or unlawfully remove any lifesaving equipment from any part of the canal property.
- (d) permit any animals to cause damage to the canal property, or nuisance to canal Users.
- (e) permit a dog to be unleashed on any canal property or permit any dog to cause a nuisance to canal users.
- (f) leave any dog faeces or fouling on canal property.
- (g) erect any advertising sign or hoarding on any part of the canal property, except with the written permission of Waterways Ireland.
- (h) cause an obstruction to navigation by leaving in place any nets, wires or other objects across the navigation.
- (i) cut adrift any vessel or boat moored on the canals.
- (j) go aboard any vessel or boat on the canal property without the permission of the owner of that vessel or boat except as is necessary to moor or move another vessel or boat or to gain access to another vessel or boat, or in case of an emergency.
- (k) leave open any gate or rail used as a fence, or part of a fence, on any part of the canal property.
- (l) Lift any vessel in or out of any canal without the prior permission of Waterways Ireland.

<b>IWAI 35(10)(l)</b>	<b>Need exceptions to this to exclude open boats, kayaks, canoes etc.</b>
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- (m) Use any bicycle, tricycle or powered personal transporter in a manner that endangers or causes a nuisance to themselves and other users of any greenway.

(n) Exceed a speed of 15 kilometres per hour on any bicycle, tricycle or powered personal transporter while using any greenway.

(o) Ride or walk any horse, pony or equine animal on a greenway without the permission of Waterways Ireland.

<b>IWAI 35(10)(o)</b>	<b>This is eradicating a traditional use of the towpaths, from when vessels were horse drawn</b>
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(p) Place a line or lines or other structures over the navigation without the written permission of Waterways Ireland.

(q) Burn fuels in vessel stoves that causes the emission of smoke, fumes or causes air quality deterioration.

<b>IWAI 35(10)(q)</b>	<b>People in Ireland have always burned turf and timber. Perhaps advising people to burn smokeless fuels and also directing them to abide by existing laws defining smoke free zoning</b>
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#### ~~40 Tolls and charges~~

~~( a ) pay tolls and charges prescribed by the Commissioners and as set out in the Schedule to these Bye laws;~~

~~( b ) ensure that permits issued by the Commissioners in return for payment of tolls and charges shall be displayed in such a manner on the boat as to be legible from the canal bank at all times during daylight hours.~~

### **36. Tolls and charges**

1. The owner or master or person in charge of any vessel or boat shall -

(1) pay tolls and charges prescribed by Waterways Ireland for the use of the canals as set out in Schedule 1.

(2) pay a charge for the use of Waterways Ireland drydocks on the canals network as set out in Schedule 1 (the amount of which shall be determined by reference to the estimated length of the occupancy of the dry dock by the vessel). The master of a vessel shall not place the vessel, or cause it to be placed, in a dry dock belonging to Waterways Ireland unless the charge has been paid to

Waterways Ireland or arrangements for its payment, acceptable to Waterways Ireland, have been made. Heritage boats may be granted use of dry docks facilities for major works once every 20 years and may be charged at 50% of the dry dock fees. This may be granted subject to availability for a maximum period of 8 weeks and with prior agreement from Waterways Ireland.

- (3) ensure that the permit, licence number, vessel number, identification disc issued by Waterways Ireland in return for payment of tolls and charges shall be displayed in such a manner on the vessel as to be always legible from the canal bank during daylight hours.

### **37. ~~Commissioners'~~ Waterways Ireland's non-liability for delays and stoppages.**

- (1) These Bye-laws make no representation or give any warranty as to the condition of the canals.

IWA 37(1)	WI remit as the navigational authority 'responsible for the management, maintenance, development and promotion of over 1000 km of inland navigable waterways, principally for recreational purposes' means they have a duty of care to waterways users. This sub-section is at variance with WI remit to maintain the canals
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- (2) ~~The Commissioners~~ Waterways Ireland shall not be liable for the consequences of any stoppage of navigation or delay arising from the execution of ~~their~~ its duties or responsibilities under the Canals Act, 1986\_(No. 3 of 1986).

The powers conferred on ~~the Commissioners~~ Waterways Ireland by these Bye-laws are in addition to and not a substitution for any statutory or other powers which they may have.

### **38. Annual Canals Permit**

(1) A permit (“Annual Canals Permit”) shall be required by all vessels, other than houseboat permit holders, to cruise and navigate the canals and pass through the locks.

IWAI 38(1)	Reference to ‘boat ‘ is missing here
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(3) An Annual Canals Permits shall allow the boat to which it relates:

IWAI 38(2)	Reference to ‘vessel ‘ is missing here
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(a) To cruise the canals, pass through locks and moor at a soft bank location on the canals.

(b) Navigate and pass through locks on the Shannon Navigation without the requirement to obtain a Shannon Navigation registration.

IWAI 38(2)(b)	<p>Is this inclusive of the Shannon Erne Waterway?</p> <p>Also it would seem practical, given this opportunity to change the legislation of the waterways, to insist all vessels must register with WI, even those that do not require a permit or require to pay an annual registration fee. Issued registration number to be permanently affixed to the vessel.</p>
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(c) A vessel in possession of an annual canals cruising permit shall not moor along the Dublin Metropolitan canals from the 12<sup>th</sup> Lock Grand Canal to Grand Canal Dock and from 12<sup>th</sup> Lock Royal Canal to Spencer Dock without the permission of Waterways Ireland.

IWAI 38(2)(c)	<p>Reference to ‘boat’ is missing here</p> <p>The name of the permit has changed in this sub-section. Also, this could prevent boats traveling for the IWAI Dublin rally form overnighting e.g. at Portobello</p>
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(d) A vessel in possession of an annual canals permit shall not moor between the 16<sup>th</sup> Lock and the 12<sup>th</sup> Lock on the Grand Canal and between the 16<sup>th</sup> Lock and the 12<sup>th</sup> Lock on the Royal Canal, within 1km of Belle Harbour Monasterevin on the Grand Canal Barrow Line for more than 10 days per calendar month without the permission of Waterways Ireland.



IWAI 38(2)(c) & (d)	There needs to be recognition that users travel the canal system during the summer months and then return to winter on the canals. If there is no plan for a winter mooring type arrangement then wording such as ‘where such permission will not be unreasonably refused’ needs to be introduced. Otherwise users will be forced to overwinter in private marinas on the Shannon and will be unlikely to return to the canals the following season due to the effort involved.
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### **Application and renewal of annual Canals Permit**

(3) Any person applying for or renewing an annual Canal permit in accordance with these Bye-laws shall:

- (a) Make his or her application in writing or online to Waterways Ireland and shall be in such form as Waterways Ireland may specify.
- (b) Provide evidence of the boat having passed an in-water inspection conducted by a certified marine surveyor certifying compliance with Canal Bye Laws safety requirements within the previous five years.

IWAI 38(3)(b)	This is not a requirement for vessels on the Shannon Navigation. Why here?
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- (c) Ensure that the boat is seaworthy, self-propelled, capable of being navigated along the entire length of each canal.

IWAI 38(3)(c)	‘where conditions allow’ needs to be included as the canals can sometimes be un navigable due to low water level, silt build up and weed growth. This also applies to Byelaw 39 wherever ability to navigate is referenced.
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- (d) Not cruise the canals with a vessel or moor a vessel in contravention of this Bye-law.

- (e) Provide proof of at least third-party insurance to Waterways Ireland for the vessel to which the permit application relates.

IWA 38(3)(e)	What is acceptable as proof of insurance and how is it to be provided? Waterways Ireland can only require evidence of insurance as per the Canals Act amended by the Heritage Bill. This does not include a copy of the certificate of insurance. Waterways Ireland need to liaise with the limited number of companies providing marine insurance in ROI and lobby them to issue insurance discs for display or a standard letter for the user to present to Waterways Ireland.
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- (f) Pay the tolls and charges as set forth in the Schedule 1 to these bye laws.

### 39. Annual Houseboat Permit

(1) An Annual Houseboat Permit shall be required to moor a houseboat at a designated mooring location.

(2) An Annual Houseboat Permit shall allow the boat to which it relates:

(a) To the use of a Houseboat mooring on the canals specified by Waterways Ireland where the vessel may be moored on a continuous basis.

(b) To cruise the canals and pass through locks.

(a) Navigate and pass through locks on the Shannon Navigation without the requirement to obtain a Shannon Navigation registration.

(b) A vessel in possession of a houseboat permit shall not moor along the Dublin Metropolitan canals from the 12<sup>th</sup> Lock Grand Canal to Grand Canal Dock and from 12<sup>th</sup> Lock Royal Canal to Spencer Dock without the permission of Waterways Ireland.

(3) No Houseboat owner will rent, let or sub-let in part or whole of the boat while it is occupying a designated serviced houseboat mooring.

(4) The sale of a boat will result in the termination of the Annual Houseboat Permit and the new owner must apply for a berth in the manner prescribed by Waterways Ireland.

(5) The owner of a Houseboat shall ensure that the houseboat is seaworthy, self-propelled, capable of being navigated along the entire length of each canal.

(6) The owner of a Houseboat shall ensure that the Houseboat is soundly constructed, adequately ventilated, insulated, heated and suitably equipped for living onboard on a permanent basis.

### **Types of Houseboat Permit**

#### **(7). Urban - Serviced Houseboat mooring permit**

This permit allows a houseboat to moor in Grand Canal Dock Dublin on a continuous basis. The mooring location will be designated by Waterways Ireland.

#### **(8). Suburban - Serviced Houseboat mooring permit**

This permit allows a houseboat to moor on a serviced jetty between the 16<sup>th</sup> Lock and the 12<sup>th</sup> Lock on the Grand Canal and between the 16<sup>th</sup> Lock and the 12<sup>th</sup> Lock on the Royal Canal and within 1km of Belle Harbour Monasterevin on the Grand Canal Barrow Line on a continuous basis. The mooring location will be designated by Waterways Ireland.

#### **(9). Suburban - Unserviced Houseboat mooring permit**

This permit allows a houseboat to moor at an unserviced houseboat mooring between the 16<sup>th</sup> Lock and the 12<sup>th</sup> Lock on the Grand Canal and between the 16<sup>th</sup> Lock and the 12<sup>th</sup> Lock on the Royal Canal on a continuous basis. The mooring location will be designated by Waterways Ireland.

#### **(10). Rural - Serviced Houseboat mooring permit**

This permit allows a houseboat to moor at a Serviced Houseboat mooring in a designated mooring location in rural areas on Royal Canal, Grand Canal, Barrow Line and Navigation between the 16<sup>th</sup> Lock on the Grand Canal westwards to Shannon Harbour, from the 16<sup>th</sup> Lock on the Royal Canal westwards to Richmond Harbour and outside 1km of Belle Harbour Monasterevin on the Grand Canal Barrow Line on a continuous basis. The mooring location will be designated by Waterways Ireland.

#### **(11). Rural - Unserviced Houseboat mooring permit**

This permit entitles a houseboat to moor at an unserviced mooring location in rural areas of Royal Canal, Grand Canal, Barrow Line and Navigation between the 16<sup>th</sup> Lock on the Grand Canal westwards to Shannon Harbour, from the 16<sup>th</sup> Lock on the Royal Canal westwards to

Richmond Harbour and outside 1km of Belle Harbour Monasterevin on the Grand Canal Barrow Line on a continuous basis.

IWAI 39	There is no provision for either a visitor permit or a disabled boater permit, both of which appeared in previous drafts. Why have these been removed?
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### **Application and renewal of Houseboat Permit**

(12) Any person applying for or renewing a Houseboat permit in accordance with these Bye-laws shall:

- (a) make his or her application in writing or online to Waterways Ireland and shall be in such form as Waterways Ireland may specify.
- (b) Provide evidence of the boat having passed an in-water inspection conducted by a certified marine surveyor certifying compliance with Canal Bye Laws safety requirements within the previous five years.
- (c) Provide proof of at least third-party insurance to Waterways Ireland for the vessel to which the permit application relates.
- (d) Ensure that the boat is seaworthy, self-propelled, capable of being navigated along the entire length of each canal.
- (e) Not cruise the canals with a vessel or moor a vessel in contravention of this Bye-law.
- (f) Pay the tolls and charges are set forth in the Schedule 1 to these bye laws.

### **40. Appeals**

40. (1) A person may appeal to the District Court (whose decision in relation to the appeal shall be final) against—

- (a) a decision by Waterways Ireland pursuant to Bye-law 3(4) and 3(5) and Bye Law 29, and on the hearing of the appeal, the District Court may make such order as it considers just.

IWAI 40(1)(a)	WI should consider an independent appeals process as this would allay lot of disquiet among waterways users.
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(2) An appeal under this Bye-Law shall be initiated by a person by their giving, within 6 weeks of the date on which the decision to which it relates was communicated to them —

(a) a notice in writing to the Clerk of the District Court for the district court district in which the place to which the permission relates is situated in which the extraction or discharge concerned occurs or would occur or in which the appellant ordinarily resides or carries on any profession, business or occupation stating the intention of the person to appeal against the decision, and

(b) a copy of the notice to an authorised officer of Waterways Ireland.

(3) The jurisdiction conferred on the District Court by this Bye-Law shall be exercised by the judge for the time being assigned to the district court district in which the place to which the permission relates is situated or in which the extraction or discharge concerned occurs or would occur or in which the appellant concerned ordinarily resides or carries on any profession, business or occupation.

## **Schedules**

(1) Schedule 1 setting forth tolls and charges.

(2) Schedule 2 specifying the form and amount of the Fixed Payment Notice.

**SCHEDULE**  
*Tolls and Charges*

<b>SCHEDULE</b>	
<i>Tolls and Charges</i>	
<p>(1) <del>(a) pay a fee of £10.00</del> per month or part of month for each boat mooring on the canals;</p> <p><del>(b) pay a fee of £0.50</del> per boat for passage through each lock, except for boats passing through Camden Lock in Ringsend for which the toll is £10 per boat;</p> <p><del>(c) pay a fee of £100</del> per annum for each boat for mooring and passage through locks.</p> <p><del>(2) Pay a fee of £11</del> per day or part of day for use of dry dock facilities.</p>	
<p>(3) For boats exceeding 18.7 metres in length pay harbour rates at Grand Canal Dock, Ringsend, calculated on registered tonnage of ships on every ton of the net registered tonnage or on half the gross tonnage (whichever is the greater), as follows:</p>	
(a) Category	Rate per Ton
(i) Boats entering or leaving the dock for periods of up to 14 days for the purpose of shipping, unshipping or transshipping cargo	£1.10
(ii) Periods in excess of 14 days — for each month or part thereof	£1.30;
(b) Boats entering the dock for the purpose of lying or mooring therein — for each month or part thereof	£1.30;
(c) Boats entering the dock to effect repairs afloat	
(i) for periods of up to one month	£1.72

(ii) for periods in excess of one month for each period of a month or part thereof	£1.30;
(d) Boats under 30 tons net registered tonnage, and which exceed 18.7 metres in length, entering into the dock for the purpose of lying or mooring therein. Minimum charge £79.00	£39.50 (per month or part of month);
(e) Dues on cargo of every description, shipped or unshipped at the wharves	£0.40 (per ton).
(f) Pay a fee of £50 for each occasion when it is necessary to raise General McMahon bridge Ringsend to allow passage of a boat.	

## Schedule 1

### *Tolls and Charges*

No	Description	Amount of charge	Description / Conditions
(1)	Annual “Canals Permit”	€200 per annum	Bye Law 38.
(2)	Vessels entering dry dock for repairs	Pay a fee of <b>€25</b> per day.	Bye Law 36(2)
(3)	Heritage boats entering dry dock for inspection, survey, or repairs:	Pay a fee of <b>€12.50</b> per day.	Bye Law 36(2) When heritage boats are applying for their ‘once in 20yrs’ mayor works fee reduction, is it half of this proposed charge of €12.50 per day?
(4)	<b>Annual houseboat mooring permit</b>	<b>Annual Cost per mooring</b>	<b>Description</b>
a	Urban - Serviced Houseboat mooring	<b>€4,000 - €7,500</b>  Charge per year after introduction of Bye Laws. Year 1 = €4,000 Year 2 = €4,750 Year 3 = €5,500 Year 4 = €6,250 Year 5 = €7,000 Year 6 = €7,500	Bye Law 39(7)  <b>IWAI fully supports the introduction of revised charges for liveaboards, but we have always stated that increases should occur in *conjunction with improvements to services. *See IWAI Liveaboard Policy Proposals (P.13, Service Level Agreement).</b>  <b>The proposed charges are excessive. The scale in the original WI proposal was €1,000 to €3,600 with the IWAI houseboat proposal stating €3,000. Given the lack of quality infrastructure at present, enforcement of the proposed fees will cause major difficulties</b>  <b>These new categories of Liveaboard Permit require clearly defined descriptions so that charges can be appropriately applied and seen as warranted.</b>



b.	Suburban - Serviced Houseboat mooring	<b>€2,500</b>	Bye Law 39(8)  <b>The proposed charges are excessive. The scale in the original WI proposal was €1,200 to €1,800 with the IWAI houseboat proposal stating €1,500. Concerns as in 4(a) above.</b>
c	Suburban - Unserviced Houseboat mooring	<b>€1,500</b>	Bye Law 39(9)
d	Rural - Serviced Houseboat mooring	<b>€1,500</b>	Bye Law 39(10) <b>The proposed charges are excessive. The scale in the original WI proposal was €800 to €1,200 with the IWAI houseboat proposal stating €1,500. Concerns as in 4(a) above.</b>
e.	Rural - Unserviced Houseboat mooring	<b>€500</b>	Bye Law 39(11)

## Schedule 2

### Canals Acts, 1986 (Amendment) Bye-laws 2023 FIXED PAYMENT NOTICE

Waterways Ireland .....

To.....

Address.....

.....

It is alleged that you have committed an offence under section 7 of the Canals Acts.

at *[insert description of the location or address where the offence is alleged to have been committed]* .....

on *[insert date and description of alleged offence]* .....

in contravention of the Canals Act 1986 (Bye-Laws) 2023 in the particulars of the offence set forth below.

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of this notice, if during that period you pay to Waterways Ireland, The Docks, Athlone, Co Westmeath, N37 RW26 the sum of €150 accompanied by this notice. Payment can be made by bank draft / postal order or by credit card.

Nature of the alleged offence	Relevant section of the Acts
Acting in breach of the Canals Act 1986 (Bye-Laws) 2023, <i>[specify the bye-law(s)]. [Insert particulars of the offence alleged contrary to the bye-laws]</i>	Section 7A of the Canals Act 1986.
.....	
.....	
.....	
.....	
.....].	

Dated this .... day of ..... 20...

Signed:

\_\_\_\_\_  
Authorised officer,  
Waterways Ireland

**Consent to the making of these Bye Laws**

The Minister for Public Expenditure and Reform, in so far as they relate to the charging of fees, consents to the making of the foregoing Bye-laws.

GIVEN under my Official Seal,

\_\_\_\_\_ 2023

\_\_\_\_\_  
Minister for Public Expenditure and Reform.

The Minister for Housing, Local Government and Heritage., consents to the making of the foregoing Bye-laws.

GIVEN under my Official Seal,

\_\_\_\_\_ 2023

\_\_\_\_\_  
Minister for Housing, Local Government and Heritage.

GIVEN under the Official Seal of Waterways Ireland,

\_\_\_\_\_ 2023

\_\_\_\_\_

**EXPLANATORY NOTE**

Section 7 of the Canals Act, 1986 as amended by Section 56 of the Maritime Safety Act, 2005 and Section 5 of the Heritage Act, 2018 empowers ~~the Commissioners of Public Works~~ **Waterways Ireland** to make Bye-laws for the care, management, maintenance, control and regulation of the use of the canal property. The Canals Act, 1986 (Bye-laws), 2023 contain the detailed provisions prescribed by ~~the Commissioners~~ **Waterways Ireland**.

The tolls and charges for the use of certain facilities provided by ~~the Commissioners~~ **Waterways Ireland** on the canals are set out in schedule 1.